

Heldon And Laich WARD 05_07

10/00492/APP
30th March 2010

Amend approved layout to include extension to road one reposition road four house approved on Plot 6 to be built on Plot 8 house approved on Plot 8 to be built on Plot 6 house on Plot 7 reverse hand re site garages on Plots 29 and 20 and re site pump station at Inchbroom Road/Inchbroom Avenue, Lossiemouth, Moray for Tullochs Of Cummingston

Comments:

- MEMBERS WILL HAVE VISITED THE SITE.
- Related application previously reported to Planning and Regulatory Services committee and

Procedure:

- None.

Recommendation: **Permit - Subject To The Following: -**

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. Prior to work commencing on site the applicant shall complete the attached notification of initiation of development and submit it to the local planning authority.
4. Upon completion of the development or as soon as practicable after doing so the attached notification of completion of development shall be completed and submitted to the local planning authority.
5. That prior to the commencement of development, the following items shall be submitted for the approval in writing of the Planning Authority;
 - (i) A SUDS system which is both achievable and sustainable and takes into account all of the drainage constraints which influence the site (See informative notes).
 - (ii) A scheme for the upgrading of the existing footway along the frontage of the site on the B9013 Inchbroom Road to a combined cycleway/footway including street lighting.
 - (iii) A scheme for the widening of the B9013 Inchbroom Road to a width of 5.5 metres including the location of the new speed limit signs (see informative notes).
 - (iv) A scheme for providing access to public transport in the form of a bus lay-by on the east verge of the A941.

- (v) A scheme for a pedestrian cycle crossing on the A941 at a position agreed with the Roads Authority (see informative notes).
 - (vi) A scheme for a new road link connecting the B9013 Inchbroom Road with the A941 including the treatment of the no through road section of Inchbroom Road and the new junction of the B9013 with the A941. Drawing no. IB/SITE/PL shows and indicative alignment - this is not approved (see informative notes).
 - vii) A proposal for a Residential Travel Plan for approval by the Planning Authority.
6. The construction of Phase 2 of the development shall not commence until the completion of Phase 1.
 7. The width of the vehicular accesses from the B9013 Inchbroom Road shall be 5.5 metres.
 8. A visibility splay of 4.5m by 70m shall be provided at both development accesses onto the B9013 Inchbroom Road. These splays shall be clear of any obstruction above 1.0 metre in height.
 9. The width of individual vehicular accesses shall be 2.4m-3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The section of the accesses over the prospective public footpath/verge shall be to the Moray Council Specification and surfaced in bitmac.
 10. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0m in height and fronting onto the public road/prospective public road shall be within 2.4m of the edge of the carriageway (see informative notes).
 11. No water shall be permitted to drain, or loose material be carried onto the prospective public footpath/carriageway.
 12. Drop kerbs shall be provided across individual accesses to the Moray Council Roads Service Specification.
 13. Parking provision shall be as follows:
 - 1.5 spaces for apartments up to 2 bedrooms;
 - 2.0 spaces for apartments with 3 or more bedrooms;
 - 2.0 spaces for houses with 3 bedrooms or less; and
 - 3.0 spaces for houses with 4 or more bedrooms.
 14. New boundary walls/fences shall be set back from the edge of the prospective public carriageway at a distance of 2.0m.
 15. Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit the second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the prospective public road.

16. Parking provision shall be outwith visibility splays.
17. Minor access of 'Novel' roads shall be designed as 'open plan' with no fencing along the rear of service verges (see informative notes).
18. Driveways over service verges shall be constructed to take vehicles and shall be finished in bituminous macadam.
19. Acoustic double glazing shall be installed in all living apartments and consist of 2 panes of 4mm thick glass separated by a 16mm cavity. The Specification and acoustic performance shall be in accordance with section 3.4 of the Noise Impact Assessment titled "Report on Air traffic Noise for Tulloch of Cummington at Inchbroom Road, Lossiemouth, Moray by Charlie Fleming Associates, Acoustical Consultants Noise Control Engineers, 16th October 2008 - Document 14651."
20. Acoustically attenuated ventilators shall be installed in south-west facing bedrooms of house numbers 4 to 12, 44 to 47 and 49. They shall also be installed in east facing bedrooms of houses 49 to 54. The attenuated ventilators shall have an element normalised level difference, $D_{n,e}$, of at least 32dB in the 500Hz octave band.
21. No development shall commence until details of the gas protection measures to be installed within the property have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be installed in accordance with the approved details:
 - a full technical specification of the gas protection measures, including the membrane, to be installed;
 - full details of the appropriately qualified person responsible for installing the gas protection measures;
 - full details of the exact siting and extent of the gas protection measures;
 - full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;

the timescale for installing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane no later than 7 days before its intended installation (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).
22. Any extension, garage, shed, greenhouse, outbuilding and conservatory or summerhouse not requiring planning consent shall not be erected until details of a gas proof membrane to be installed under the building or other gas protection measures have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be provided in accordance with the approved details:
 - a full technical specification of the gas protection measures to be provided;

- full details of the appropriately qualified person responsible for installing the gas protection measures;
- full details of the exact siting and extent of the gas protection measures;
- full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;

the timescale for providing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane or gas protection measures no later than 7 days before the intended installation/provision (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).

23. No development (apart from that required for remediation) shall commence until all necessary works to remediate contamination on the site have been carried out in accordance with the details of the required remediation measures which have previously been submitted to and approved by the Council, as Planning Authority in consultation with the Council's Environmental Health (Contaminated Land) Section where
- (a) the required remediation measures shall be fully implemented as detailed and described in the applicants Contamination Remediation Method Statement dated 9th March 2007.
 - (b) Notification of the date of commencement of remediation works shall be given to the Council, as Planning Authority not less than 7 days before the development commences (contact Environmental Health Manager, Council Offices, High Street, Elgin, IV30 1BX, tel: 01343 563345).

Should any subsequent or previously undiscovered contamination be found during the development of the site, then all works should cease and the Planning Authority in consultation with the Environmental Health Section (Contaminated Land) be contacted immediately, after which measures to remediate these areas should be agreed in writing and implemented as per the approved revised remediation statement.

24. That the tree identified on the application plans as containing a red squirrel drey and the cluster of trees surrounding this shall be retained and protected throughout the lifetime of the development. Any further trees suspected of containing possible dreys must be protected during development, and the advice/permission of SNH sought prior to the commencement of any tree felling operations.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
4. To ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.
5. In the interests of achieving an acceptable form of development.
6. In the interests of road safety.
7. In the interests of road safety.
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16. In the interests of road safety.
17. In the interests of road safety.
18. In the interests of road safety.
19. In the interests of ensuring an acceptable form of development.
20. In the interests of ensuring an acceptable form of development.
21. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
22. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.
23. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.

24. In the interests of nature conservation.

List of Informatives:

THE BUILDING STANDARDS MANAGER has commented that: -

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

THE TRANSPORTATION MANAGER, DIRECT SERVICES, ACADEMY STREET, ELGIN has commented that: -

Construction Consent for the roads will be required under Section 21 of the Roads (Scotland) Act 1984.

The design of the SUDS system for the site shall follow the design principles contained in the SUDS design manual, and be supported by the following information as appropriate:

Site investigation report with soil conditions and water table information including the time of year when the investigations took place;

- Sub-soil flow characteristics used in the design of the SUDS system;
- Existing surface and sub-surface site drainage details, and proposals for permanent diversion flows;
- Any temporary drainage arrangements required during construction to accommodate development;
- On-site storage proposed - capacity, connections, overflow arrangements, outfalls;
- Future maintenance arrangements required during construction to accommodate development;
- Detailed design drawings and calculations for settlement basins;
- Drainage design shall take into consideration effect on land immediately downhill of settlement basins;
- Whether or not existing watercourses or drainage paths will be affected by the development; and
- Whether or not the drainage system downstream of the development site will require to be upgraded to convey the run-off from this site.

On Inchbroom Road the applicants shall meet all costs of extending the 30mph limit to a point to be agreed with the Transportation Manager prior to occupation of the first dwelling.

On the A941, the applicants shall meet all costs of extending the 30mph limit to a point to be agreed with the Transportation Manager unless the speed limit extension associated with Local Plan allocations R1 Sunbank/Kinneddar, BP1 Sunbank Business Park or RET Sunbank has already been implemented.

The applicants have stated that they propose to realign Inchbroom Road to form a new junction with the A941 (dwg.No. IB/SITE/PL shows an indicative alignment for this proposal). This re-alignment will provide access to Inchbroom Road from the A 941 for the whole development.

The timing of the road improvement may affect the form of the proposed junction onto the A941. IF the development is the first to take place then the form of the junction will need to be a roundabout as it will act as a 'gateway' feature to Lossiemouth. However if the new junction(s) onto the A941 associated with the Local Plan allocations R1 Sunbank/Kinneddar, BP1 Sunbank Business park or RET Sunbank has/have been implemented then the proposed Inchbroom Road junction can be reduced in scale to a priority junction with a ghost island right turn facility.

The applicants shall meet all costs associated with the preparation and promotion of the traffic Regulation Order to enable the new road layout at the first section of Inchbroom Road after the provision A941-Inchbroom Road Link Road.

The applicants shall ensure that a burden is included in the Title of each house which fronts onto a minor Access Road to the effect that the scheme is designed as 'Open Plan' and that no fences/walls shall be constructed along the frontage of any property. The 2.0m Service Strips shall be part of the road but may be incorporated into the garden area. This burden shall state that the householder is responsible for the maintenance of this strip and that no fences/walls/boundaries shall be erected on/between this strip and the public road.

The applicant shall be responsible for ensuring that water does not run from the public road into his property.

The applicant shall ensure that their operations do not adversely affect any Public Utilities which should be contacted prior to commencement of operations.

The applicant shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

The Transportation Manager must always be contacted before any works commence. This includes any temporary access which should be agreed with the Transportation Manager prior to work on it commencing.

No retaining walls shall be constructed along the edge of the road whether retaining the public road or ground adjoining the public road without consultation with the Transportation Manager.

The developer should contact the Transportation Manager, Direct Services, Environmental Services Department (Street Lighting Section) at Academy Street, ELGIN, Moray or by telephoning 01343 557343 to discuss his proposals.

The developer should contact the Passenger Transport Unit at Academy Street, Elgin - Tel (01343) 562500, Ext. 2541 to discuss his proposals for the bus lay-by.

Delivery and Trigger Points (to be read in conjunction with condition 3 of this permission)

- Item (i) of condition no.3 to be completed prior to the first occupation.
- Item (ii) of condition no.3 as follows:
 - a) the first section from Inchbroom Court to the Phase 1 Development Access prior to the first occupation;
 - b) the second section linking the A941 to Inchbroom Road, which forms part of the proposed new A941-B9103 Link, prior to the completion of 25 house builds; and
 - c) the final section from the Phase 1 Development Access to the Phase 2 Development Access prior to the first occupation of Phase 2.
- Item (iii) of condition no.3 prior to the completion of 25 house builds.
- Item (iv) of condition no.3 prior to the completion of 35 house builds.
- Item (v) of condition no.3 prior to the completion of 35 house builds.
- Item (vi) of condition no.3 prior to the completion of 25 house builds.
- Item (vii) of condition no.3 prior to the first occupation.

Note to applicant

The consultation response of Scottish Natural Heritage is attached for the information of the developer. Attention is drawn in particular to the comments with regard to squirrel dreys.