

PLANNING APPLICATION: 09/00612/FUL

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- Master plan for housing development.

The Site

- Tomnabent, Aberlour, Moray, AB38 9NP

Policy / Objections-Representations / Consultations - See Appendix

History

Over the years a number of applications for individual houses at this site have been approved. As a result of the previous developments and further potential, the Tomnabent Rural Community was included in the Moray Local Plan 2008. This master plan application is as a result of this new designation.

Advertisement

Not advertised.

Observations

The Moray Local Plan 2008 recognised Tomnabent as a rural community with an identified boundary line. In line with this a master plan had to be produced for the development of the remaining sites and upgrading of Spey Valley and Ben Rinnes Drives to adoptable standard.

Following meetings and detailed discussions with the applicant the current application was submitted. The submitted proposal includes the above requirements and in addition a play area, a series of linking footpaths subdividing the site and in addition the layout of a further 30 individual house plots giving a development of 51 dwellings in total.

The development of the housing will be on an individual site by site basis.

Each plot will be served from a private water supply and connected to individual septic tank and soakaway systems.

As part of the development a 5-year woodland plan has been submitted which includes work to be carried out on the existing woodland areas on the site, the maintenance of the tree areas and new planting throughout the scheme.

As a result of further negotiations a Section 75 Agreement has been formulated providing funding towards the costs of a public transport service, school bus service and off site affordable housing totalling £148390.00.

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PLANNING & DEVELOPMENT MANAGER

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- f) conserving and enhancing the areas built heritage resources and their settings.

Policy H6: Development Within Rural Communities

New housing on sites in designated rural communities will be acceptable if adequate servicing and infrastructure is available, or can be made available, if its scale and design fits the character of the community and, if it does not adversely impact on an environmental amenity site.

The Council will prepare Supplementary Guidance in support of this policy, and this will be subject to consultation with stakeholders prior to adoption.

Policy T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

T5: Parking Standards

Proposals for development must conform with the Council's policy on parking standards.

EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed that investment to address this constraint has been specifically allocated within its current Quality and Standards Investment programme and the following requirements apply:

- i. systems shall not have an adverse impact on the water environment;

- ii. systems must be designed and built to a standard which will allow adoption by Scottish Water;
- iii. systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Plan) of less than 2,000 population equivalent will require to connect to the public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include the size and dispersal of the settlement, the size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the general area. Consultation with SEPA will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Technical Handbooks (which set out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

EP4: Private Water Supplies

The Council will require all applicants who propose to use a private water supply, to mark the supply (and all works associated) to the site e.g. the well, holding tank, and supply pipe, accurately on the application plan to enable the appropriate authorities to advise on the environmental impact, adequacy, wholesomeness, capacity of supply for existing and proposed users and pollution risks.

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,

- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

Tomnabent

In order to consolidate growth, a boundary line has been identified.

A masterplan must be provided for the development of the remaining sites. This must include the upgrade of both Spey Valley Drive and Ben Rinnes Drive to adoptable standard.

Foul drainage may be disposed of by means of septic tanks and soakaways/mounds.

Character description: 6 Post War Community.

Special Character Features

- Group 'C' buildings dominant.

OBJECTIONS-REPRESENTATIONS

Objections/representations have been received from the following: -

- D A Duncan, Aigan View, Ben Rinnes Drive, Tomnabent, Aberlour, Banffshire, AB38 9NW
- Frances Hepburn, Arnagarrow Cottage, Aberlour, Moray, AB38 9NQ
- T M Brooks & E R M Lyle, Broomhill, Benrinnes Drive, Aberlour, Moray, AB38 9NW
- S W St J Oliver, Achnaben, Benrinnes Drive, Aberlour, Moray, AB38 9NW

Issue:

- There are concerns regarding the suitability of the private water supply serving the amount of houses proposed.
- To date there is no new planting in the areas indicated on the plan.
- The plan indicates a pavement alongside the service road, is this really necessary?
- Street lighting will create light pollution in this exposed area.

- There are concerns about surface water run off.

Comments (PO):

- Environmental Health are satisfied that the information provided by the applicant indicates an adequate and suitable water supply to serve the development.
- The plan has not yet been approved and its commencement can be controlled by a condition of any approval granted.
- As part of the approval of the site as a Rural Community there is a requirement to bring the roads up to adoptable standard. This requires that a pavement be provided.
- The applicant and Transportation have agreed that street lighting would not be a requirement for this development.
- The upgrading of the roads will involve provision of a proper drainage system which will alleviate these concerns.
- Drainage for individual plots will be covered under any application for Building warrant.

CONSULTATIONS

Environmental Health Manager, Development Services - No objection

Contaminated Land, Development Services - No objection

Development Plans, Development Services - No objection

Transportation Manager, Direct Services - No objection, subject to conditions and notes

Developer Contributions - No objection

Scottish Environment Protection Agency - No objection

Moray Access Manager, Direct Services - No objection

Private Water Supplies, Development Services - No objection

Regional Archaeologist - No objection