

## PLANNING APPLICATION: 10/00492/APP

*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**

- Detailed application for an amendment to planning application reference 08/01685/FUL. The proposal involves an amendment to the road layout, an amendment to house types on given plots, and repositioning of a foul drainage pumping station.
- The amendment to the road layout involves a minor straightening of the short roadway fronting sites 10, 11, and 12, and an alteration to the road layout and turning circle fronting of plots 30-38.
- The changes to the house types are to position the type approved for plot 6 on plot 8 and vice-versa, and to 'hand' the house type on plot 7.
- The amendment to the location of the sewer pumping station involves moving this 2m further away from the existing houses on Woodland Walk.
- Repositioning of the turning circle also has a minor impact on the location of the play and amenity area, although not the level of provision.

### **The Site**

- The application site is a portion of the site previously granted planning permission under application reference 08/01685/FUL. It lies along the north-eastern boundary of the site adjacent to the houses on Woodland Walk. At the time of the previous application, Members will have been aware that the overall site was largely characterised by mature Scots pine trees. Following the grant of permission for the previous application and the commencement of development, many of the existing trees on the overall site have been felled. In terms of topography, the area of the current application exhibits an overall gradual slope downhill to the north-east.

### **Policy / Objections-Representations / Consultations - See Appendix**

### **History**

- 01/00988/PE** - Preliminary Enquiry with regard to residential development of the current application site.
- 05/01755/FUL** - Detailed application for development of the present application site. Application refused following consideration by the Planning and Environmental Services Committee at a Hearing on 22nd October 2007. Decision of the council appealed, and subsequently dismissed by the Inquiry Reporter.

**08/01692/FUL** - Detailed application for three dwellinghouses (part of R4 designation) on Inchbroom Avenue considered and approved by Committee on 20th January 2009.

**08/01685/FUL** - Detailed application for the erection of 57 houses and garages at Inchbroom Road/Inchbroom Avenue, Lossiemouth. Considered at a Special Meeting (hearing) of the Planning and Regulatory Services Committee on 15th April 2009. Application deferred to address the issue of affordable housing provision on land outwith the application site, but on land in the control of the applicant. Application returned to Committee on 4th August 2009 (together with an up-dated report to advise on amended plans received), and delegated approval agreed subject to proof of compliance with Energy Reduction policy ER2 and the conclusion of an appropriate legal agreement to secure affordable housing provision.

### **Advertisement**

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### **Observations**

The main planning issues are as follows: -

#### **Road Access (T2)**

This policy requires that the development shall be provided with a level of access which is appropriate to the scale and nature of the scheme.

The proposals contained in the current application for amendments to the approved scheme are of a relatively minor nature, and would have been dealt with as non-material variations under delegated powers but for the objections to the previous application. A small realignment to the site roadway fronting plots 10, 11 and 12 will result in the roadway being straightened slightly to run closer to parallel with Inchbroom Road, and a turning head is to be installed. Elsewhere the more significant change will result in the repositioning of a turning circle which previously abutted plot 30 being moved to the south west and adjacent to plot 38.

As for the previous application for the overall site, the current proposal has been the subject of consultation with the Transportation Manager. The response to this consultation is that the application can be supported, subject to the same conditions of planning permission and informatives as attached to the previous consent. On the basis of this it is considered that the application is in compliance with policy T2 of the Development Plan, and may be recommended for approval with appropriate conditions and informatives.

#### **Development Requirements (IMP1)**

This policy requires that all new development is capable of being serviced adequately, and that it is in keeping with its surroundings and compatible with adjoining land uses.

This application is an amendment to a previous approval of planning permission for development of a housing scheme on a site which was already allocated for this purpose in the current and previous Moray Local Plans. As such the principle of residential development is established. As described above, the proposal involves minor amendments to the houses as approved on plots 6, 7, and 8 of the scheme. All that is sought here is to 'swap' the houses on plots 6 and 8, and to 'hand' the house approved on plot 7. None of these plots borders the boundary of the overall application site with any other property, and was the subject of any representation in consideration of the previous application. Plots 29 and 30 of the development are the flatted blocks, and the proposed amendment here is to reposition the two garage blocks associated with these and for both to be of the same size (they were previously of unequal size).

Repositioning of the sewer pumping station will in fact place it 2m further away from the existing houses on Woodland Walk. Members may recall that on the approved plans for the site the pumping station was to be situated 46m away from the nearest existing house. The distance will now be 48m. The amendments also have a minor impact on the location of the play and amenity area, although not the level of provision.

Were it not for the objections to the previous application, the proposals currently before Committee for determination would have been considered under delegated powers as non-material variations. The application complies with policies in that it can be serviced adequately and is not in conflict with adjoining development.

#### **Lossiemouth R4**

The application site is a part of the Local Plan designation R4 for residential development in Lossiemouth.

The current application is for residential development and does not conflict with this policy.

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## **APPENDIX**

### **POLICY**

#### **Moray Structure Plan 2007 and/or Moray Local Plan 2008**

##### **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.

##### **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.

#### **R4 Inchbroom**

This large plantation area is proposed for low density housing interspersed with trees. On both sides of Inchbroom Road a 30m wide tree belt is to be retained. Housing should be grouped, between stands of existing woodland (subject to professional arboricultural advice). The south end of the site should be lowest density. One access point from Inchbroom Road is adequate, but Inchbroom Road must be widened to 5.5m from the midway site access point, westwards, with one footway.

The site should be developed in at least two phases of approximately 30 houses each. The site is subject to drainage constraints due to the low lying elevation and potential developers are advised to enter into detailed discussions with Scottish Water prior to submission of any planning applications.

No development shall take place on this site until an investigation is undertaken to identify any detrimental impact to that development from potentially contaminated land in its vicinity; and any resultant remediation strategy agreed with the Council, to mitigate the effects of any identified contamination.

#### **OBJECTIONS-REPRESENTATIONS**

Members will recall that the previous was the subject of numerous representations, most of which objected to the proposals for development of the site. Whilst the grounds for objection were varied, the principal objections were on the basis of impacts on wildlife, recreation, and impact on adjoining properties. There have been no objections to the current application on any grounds.

#### **CONSULTATIONS**

**Transportation Manager, Direct Services** - No objections, subject to conditions and informatives. These are identical to the recommended conditions and informatives attached to the previous permission.

**Transport Scotland** - No objections.

**Contaminated Land, Development Services** - No response received.

**Environmental Health Manager, Development Services** - No response received.