

PLANNING APPLICATION: 10/00350/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

- The applicant seeks full planning permission for the creation of a new access onto the public road in connection with the laying of a hard surface. The proposed access will have a width of 3.0 metres, whilst the hard surface area will have a width of 3.0 metres and a length of 8.0 metres and will be located directly to the west of the proposed access.

The Site

- The subject site is a residential property containing a double storey detached dwelling constructed out of stone with slate tiles used on the gabled roof. The surrounding area is predominantly residential with the subject site dwelling being a typical example of the prevailing built form.

Policy / Objections-Representations / Consultations - See Appendix

History

02/01686/FUL - Form new access drive. Withdrawn 08/11/02
02/02127/FUL - Form new access and install oil tank. Permitted 12/02/2003
09/01950/APP - Install oil tank. Permitted 09/02/10

Advertisement

The application was advertised in the Forres Gazette under the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2008, due to the planning application affecting a Conservation Area.

Observations

Planning permission is required for the proposed development, as it involves the provision of a hard surface within a Conservation Area (Schedule 1, Part 1, Class 4 (2) of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992).

Policy Implications

The main issue for consideration is whether the proposed development would preserve and enhance the character of the Conservation Area, For the following reasons it is considered that the proposal will have a neutral impact on the character of the Conservation Area, complies with policy and is therefore acceptable.

The Findhorn Conservation Area is considered to be of special significance and hence is covered by an Article 4 Direction restricting the permitted development rights of properties within the defined Conservation Area. Nevertheless the provision of areas of hard standing for the parking of vehicles on residential properties is considered acceptable, subject to the hard standing area not being overly large. The proposed area of hard standing will allow the parking of one vehicle and little else and thus is considered to be acceptable. Furthermore the proposed area of hard standing will be largely hidden from view by an existing timber fence and beech hedge as well as the proposed new gates. It must also be noted that an identical proposal was approved at this property under planning reference 02/02127/FUL, though this has since lapsed.

Conclusion

It is considered that the proposed development will have a neutral impact on the character of the Conservation Area. The proposal will preserve the existing character of the Conservation Area without either enhancing or detracting from it.

Recommendation

In light of the above as it is considered that the proposal conforms with relevant policies, there are no objections from statutory consultees and no written objections were received, it is considered that planning permission may be granted for the development as proposed.

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APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

BE3: Conservation Areas

Development proposals within Conservation Areas will require to be submitted as full detailed planning applications and will be refused if they adversely affect the character or appearance of the Conservation area in terms of scale, height, materials, colour, detailed design and use.

All development within a Conservation Area should preserve or enhance the established traditional character and appearance of the area.

Development proposals involving the demolition of buildings within a Conservation area will be refused unless the building is considered not to make a positive contribution to the character and appearance of the area. Where redevelopment is proposed, consent to demolish will only be granted where there are acceptable proposals for the site. Conditions will be attached to any planning permission/conservation area consent prohibiting demolition until contracts have been let for the redevelopment of the site.

Boundary walls, fences and ground surfaces must relate to the individual building and to the established amenity of the Conservation area. Boundary walls and fences will not be permitted over the height of 1 metre in the interests of existing character, amenity and safety unless the character of the area suggests otherwise.

Shop Fronts and Security Devices

Shops in conservation areas should retain original signs where possible. Where archive drawings and/or photography exists the Council will encourage the reinstatement of the original shop fronts which have been lost. New shop fronts must be designed in relation to the whole elevation of a building so that the new shop front relates to established doors and windows; floor height and vertical alignment of buildings. They should be constructed in materials appropriate to the original building and be of painted timber construction. Security devices in the form of removable and/or fold away grilles are preferred although perforated roller shutters will be permitted provided that box devices do not project beyond the building line.

Satellite Dishes and Other Fittings

The Council will approve in principle external fixtures to important buildings, which are deemed to be essential to the use of that building e.g. satellite equipment, TV aerials, telecommunication cables, security boxes, CCTV where they do not adversely affect the character or fabric of the building.

Advertisements

Advertising within Conservation Areas will be permitted where it is sensitive to the historic nature of the area. New signage should respect the historic fascia line and height on the adjoining properties and be finished in a matt non reflective finish.

Illumination will only be permitted where an appropriate discreet projecting light source can be provided. No internally illuminated signage will be permitted. Projecting hanging signs should be fixed at fascia level and if illuminated this should be provided with a discreet projecting light source. Projecting light sources and internal illuminated signs will not be permitted. Internal illuminated plastic fascias will only be permitted if no alternative solution can be found.

Article 4 Directions

The Council may apply to the Scottish Ministers for Article 4 Directions for its conservation areas which will permit the Council to require planning applications for matters otherwise classed as permitted development.

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- a) the identification within the local plan of the business and industrial land allowances set out in Schedule 1 and the provision of strategic business locations at Elgin and Forres Enterprise Park and business park opportunities at Buckie, Keith and Lossiemouth;
- b) the encouragement of tourism development opportunities;
- c) the identification within the Local Plan of the housing allowances set out within Schedule 2;
- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy;
- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses;
- f) sustaining the vitality and viability of town centres through the support of opportunities and proposals for retail and commercial development in accordance with the sequential approach;
- g) promotion of the strategic transport links as set out in Proposal 2;
- h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation;
- i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- a) protecting international, national and local nature conservation and scenic designations from inappropriate development;

- b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible;
- c) working in partnership with the Cairngorms National Park Authority and other interested parties to implement the objectives of the National Park;
- d) restricting development within coastal areas outwith settlements to only that in which social and economic benefits outweigh environmental impact;
- e) providing protection from development to the countryside around the towns of Elgin, Buckie, Keith, Forres and Lossiemouth;
- f) conserving and enhancing the areas built heritage resources and their settings;
- g) supporting proposals aimed at regenerating the area's natural and built environment including good design;
- h) providing waste management facilities to deliver Area Waste Plan and National Waste Plan objectives and ensuring that new development is designed to facilitate waste management practices and promotes the minimisation of waste;
- i) promoting sustainable urban drainage systems (SUDS) in all new developments;
- j) promoting schemes to alleviate flooding in a sustainable and sensitive way using natural ecosystems and features where possible and also restricting development within flood risk areas following the guidance set out in the Risk Framework in SPP7: 'Planning and Flooding' and promoting flood risk management schemes to tackle flooding that threatens existing development and considering development proposals against the Flood Risk Framework set out in Table 5;
- k) safeguarding the area from pollution and contamination;
- l) promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development;
- m) safeguarding resources for the production of minerals, preferred forestry areas, and prime agricultural land.

T5: Parking Standards

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

EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved if:

- a. site specific risk assessments are undertaken by the applicant to identify any actual or possible significant risk to human health or safety, or to the environment and that any previous historic uses are not continuing to cause significant pollution to the water environment, and
- b. effective remediation measures are agreed to ensure the site is made suitable for any new use granted consent, and
- c. appropriate measures for the disposal of any contaminated material is agreed with the Council.

The Council will consult SEPA in respect of pollution of controlled waters and licensing issues arising from remediation works.

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.

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.

OBJECTIONS-REPRESENTATIONS

No written representations received.

CONSULTATIONS

Contaminated Land, Development Services - No objections.

Transportation Department, Direct Services - No objections subject to conditions and the imposition of informative notes.