

REPORT OF HANDLING

Ref No:	09/01127/OUT	Officer:	Iain T Drummond
Proposal Description/ Address	Outline to erect two dwellinghouses at Land South Of Innes Road Garmouth Moray		
Date:	20.01.2010	Typist Initials:	JC

RECOMMENDATION

Approve, without or with condition(s) listed below	
Refuse, subject to reason(s) listed below	Y
Legal Agreement required e.g. S,75	
Notification to Scottish Ministers/Historic Scotland	
Hearing requirements	Departure
	Pre-determination

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Protection Manager	26/06/09	No objection to approval of application
Contaminated Land	03/07/09	No objection to approval of application
Scottish Water	15/07/09	No objection to approval of application
Transportation Manager	09/11/09	No objection to approval of application

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H8: New Housing in Open Countryside	Y	
T2: Provision of Road Access	N	
T5: Parking Standards	N	
E9: Settlement Boundaries	Y	
EP9: Contaminated Land	N	
IMP1: Development Requirements	Y	

REPRESENTATIONS

Representations Received	YES	6
Total number of representations received		
Names/Addresses of parties submitting representations		
Name	Address	
Mr Stephen Forsyth	West Park Innes Road Garmouth Morayshire	

	IV32 7NL
Mr Stuart Brumpton	Lauderdale High Street Garmouth Moray
Mr And Mrs Rob And Jenny Wallen	The Poplars High Street Garmouth Moray
Garmouth & Kingston Amenities Association	Per David Mackay (Secretary) Willow Cottage Spey Street Garmouth Moray
Mr Tom Peat	IV32 7NJ Culzean Innes Road Garmouth Morayshire
Mr David Burrige	IV32 7NL Lilac Cottage Innes Road Garmouth
<p>Summary and Assessment of main issues raised by representations</p> <p>Issue: The public sewerage system is insufficient to cope with any further development within the village.</p> <p>Issue: The point at which access is proposed onto Innes Road would cause a road safety issue.</p> <p>Issue: The proposal is a departure from the Moray Local Plan 2008 as the site lies outwith the village boundary.</p> <p>Comments (PO): Please see the observations section of this report where all the above points are discussed.</p> <p>The applicant has written in response to the concerns raised and these comments are summarised below,</p> <ol style="list-style-type: none"> 1) The land forms part of the plot of land originally associated with "Lilac Cottage" and lies within the settlement of Garmouth and therefore the proposal complies with Local Plan policy H4. 2) The proposal is for low density housing which is inkeeping with the surrounding area. 	

OBSERVATIONS – ASSESSMENT OF PROPOSAL

This application seeks planning permission in principle for the erection of two dwellinghouses. The main issues for consideration relate to the principle of the development, the safety of the access to the site and the ability of the public sewerage system to cope with the additional pressure placed on it by two new houses.

In terms of the principle of the development, the applicant has written in support of the application outlining that the sites lie within the settlement of Garmouth and comply with the requirements of Local Plan policy H4. However, the proposed sites in fact lie immediately adjacent to but outwith the

settlement boundary of Garmouth as defined by the Moray Local Plan 2008. The Council's Local Plan policy E9: Settlement Boundaries outlines that boundaries are drawn around villages in order to limit the extent to which these settlements can expand within the Local Plan period. This restricts negative development features such as ribbon development and ensures a planned approach to the expansion of settlements. If approved a dangerous precedent would be set for further unplanned expansions of settlements throughout Moray. On this basis the policy is not supportive of development immediately outwith settlement boundaries the principle of this development is not considered to be acceptable.

With regard to the safety of the proposed access the Council's Transportation Manager has been consulted in relation to the proposal and has raised no objection to the approval of the application subject to the applicant upgrading the proposed access to an acceptable standard. On this basis this issue does not represent one, which would merit the refusal of the application.

In terms of the concerns raised regarding the ability of the public sewerage system being able to cope with the additional pressure that 2 new houses would place on it. Scottish Water has been consulted in this regard and have confirmed that they have no objection to the approval of the application as there is currently sufficient capacity at the Garmouth Waste Water Treatment Works. However, they have also stated that capacity cannot be reserved within the system and that this situation would have to be reassessed if the development progresses to the detailed application stage. On this basis this issue does not represent one, which would merit the refusal of the application.

Overall this development is not considered to comply with the Moray Local Plan 2008 policy E9 and is therefore recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

All material planning considerations have been taken into account in the consideration of this application, however, there are none, which would outweigh the provisions of the Development Plan policies.

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure	30/07/09

DOCUMENTS, ASSESSMENTS etc. *
 * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

Supporting information submitted with application?		NO
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Summary of main issues raised in each statement/assessment/report

Document Name:

Main Issues:

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
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Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO

Summary of Direction(s)