

PLANNING APPLICATION: 09/02062/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

- This application for planning permission is for the erection of an office building, which will form the base for the Child Protection Services in Moray.
- In terms of operational details, the office will be used predominantly from 8am to 6pm Monday to Friday with public access to the building being by appointment only.
- With regard to the design of the development, the office building takes advantage of the sloping site, with a single storey block to the north west of the site linked to a two-storey section to the south east of the site. The building has a modern contemporary style with large glazed sections and is to be finished in timber cladding and wet dash render on the walls and natural slate on the roof. A single storey double garage is also proposed in the northwest corner of the site. A two-metre high timber fence is proposed around the site with pedestrian access permitted from the footpath, which runs along the east of the site.
- Vehicular access is proposed from Hamilton Drive and uses the existing access that serves the remainder of the site.
- A Drainage Impact Assessment has been submitted, which has confirmed that the soil conditions within the site are unsuitable for disposal of surface water via soakaways within the site. A rainwater harvesting system is proposed which will collect the surface water and use it to flush toilets etc. An overflow will be provided to an attenuation tank, which will then have a limited discharge along with the foul sewerage to the combined public sewer.

The Site

- The site forms part of an area of land identified within the Moray Local Plan 2008 as Elgin OPP4 and covers around a fifth of the total designation. The Local Plan statement covering the designation indicates that a residential development or a public facility using the existing buildings is preferred. However, demolition will be allowed if the site is constrained.
- There are no buildings located within the proposed site and semi mature self-seeded trees largely cover the area.
- The applicant's tree survey indicates that 95% of the trees are to be removed from the site with the remaining trees being protected throughout the construction process. In addition, the survey also identified that Japanese Knotweed is present within the site and as such must be treated as a contaminant and eradicated from the site. A method statement for this eradication has been submitted. A red squirrel survey has also been submitted and has confirmed that there are no squirrel dreys located within the site and that the development will have no significant impact on the red squirrel population in the surrounding area.

- The site is surrounded by a small strip of woodland to the east, the remainder of the designation, which contains disused buildings to the north and west and detached residential properties to the south and southwest.

Policy / Objections-Representations / Consultations - See Appendix

History

07/02139/GPA - Proposed child protection unit

Pre application advice was offered in relation to the principle of the development and information required in support of the development.

Advertisement

None.

Observations

The application is being reported to committee on the basis that The Moray Council owns the application site and is a partner in the Child Protection Services, along with Grampian Police and NHS Grampian. At present each partner operates from separate offices throughout Elgin, which are substandard, with no family waiting areas, kitchen facilities, limited disabled access and no equipment to monitor interviews, which is required to meet national guidelines. In order to enhance the service offered by the Child Protection Service, it is proposed that all three partners will operate from this purpose built facility, which has been designed to rectify the above issues.

The main determining issues related to this development concern the relationship of the use to the local plan designation, impact on neighbouring properties, design, loss of trees, access/parking and drainage.

The proposed is considered to be compliant with the Elgin OPP4 where the site is to be used for a public facility. The development will not utilise the existing buildings in OPP4 as there are elsewhere on the site. Given the site's location within the designation, the arrangements for access and with the site covering around a fifth of the entire designation, it is not considered that the proposal will prejudice or constrain any future development (for residential or public use) on the remainder of the Elgin OPP4 designation.

With regard to impact on neighbouring properties, these are located to the south of the development, hence there is little or no potential for an adverse overshadowing impact of the development resulting on these properties. Also factors such as the proposed design, layout and orientation of the building, window-to-window separation distances, existing boundary enclosures and mature trees to be retained within the site will result in the proposal having minimal impact on privacy of the neighbouring residential properties.

One/

One representation has been received from a neighbouring property owner who has raised concerns regarding the potential impact of the development on their mature hedge. The boundary fence will be located a suitable distance within the site to ensure there is no damage to the hedge. To ensure that there is no adverse impact, a condition is recommended requiring details of the exact position of the fence to be submitted/approved prior to development commencing on site. Overall, the proposed use of the site is considered to be able to co-exist with the other uses in the area, including residential use without any significant or adverse impact upon the amenities of the surrounding area.

The design of the development relates well to the site and surrounding area, making use of the slope of the land and using natural material finishes such as timber and slate, which will relate well to the wooded backdrop. The large areas of glazing take maximum advantage of solar gain whilst also providing the users of the building with a pleasant outlook improving the working environment. The scale and massing of the building is also appropriate for this predominantly residential area. On this basis, the overall design of the development is acceptable.

With regard to the loss of trees, the site is presently unkempt and has been used for fly tipping. The majority of the existing trees are multi trunked, semi mature self-seeded specimens and do not add significant value to the surrounding environment. Whilst the loss of a large number of trees is unfortunate, it is recommended that prior to development commencing all trees that are capable of being retained will be identified and thereafter protected and maintained both during and after construction of the development. As much as possible of the wooded character of the site will thereby be retained by condition of consent, there is no objection to the loss of trees within the site.

In terms of access, the applicants propose an access arrangement through the remainder of the Elgin OPP4 site onto Hamilton Drive. This will be used until such times that the remainder of the site is developed, including revised access arrangements serving the designated site area. The Council's Transportation Manager has confirmed that the proposals are acceptable in access and parking terms.

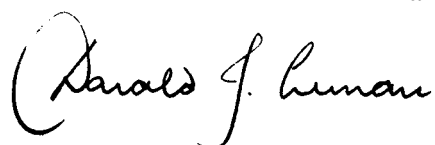
With regard to surface water and foul drainage, a rainwater harvesting system is proposed, which will collect the surface water and re-use it within the building. An overflow will be provided to an attenuation tank, which will then have a limited discharge along with the foul sewerage to the combined public sewer. Scottish Water has confirmed that they have no objection to the approval of the development. On this basis the proposed means of drainage is considered acceptable.

Following consultation there are no objections to the proposals in terms of contaminated land or protected species interests.

Approval is recommended.

Author/Contact Officer: Iain T Drummond
Planning Officer

Ext: 01343 563607



DONALD LUNAN
PLANNING & DEVELOPMENT MANAGER

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

OPP4 Hamilton Drive School

A residential development, or a public facility which utilises the existing buildings, is preferred but if the site is constrained, demolition will be allowed.

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.

ED6: Opportunity Sites

The town and village statements will identify ‘opportunity sites’ which present the opportunity for appropriate alternative uses in the event of a proposal to redevelop. These are often vacant or derelict sites that are no longer required for their original or previous uses. Vacant or derelict sites are usually brownfield and therefore will require to be assessed with regard to contaminated land.

Any suggested uses that are given should be viewed as illustrative examples only, and not taken as a definitive list of acceptable activities.

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.

EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that avoids flooding and pollution and promotes habitat enhancement and amenity. All sites should be drained by a SUDS system or equivalent. A Drainage Assessment will be required for developments of 10 houses, or greater than 100 sq. metres for non residential proposals. Applicants must agree provisions for long term maintenance to the satisfaction of the Council, SEPA and Scottish Water.

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.

OBJECTIONS-REPRESENTATIONS

One letter of representation has been received from:

- Ann and Stuart Copeland, 64 Duncan Drive, Elgin, Moray, IV30 4NQ

The concern raised relates to the impact of the development on their mature boundary hedge.

Comment: This issue has been raised with the applicants who have agreed that the hedge will be protected throughout the course of the development and that the boundary fence will be located a suitable distance within the site to ensure there is no damage to the hedge.

CONSULTATIONS

Transportation Manager, Direct Services - recommends that the application be approved subject to conditions regarding access and parking.

Contaminated Land, Development Services - recommend that the application can be approved subject to an informative being applied to the grant of permission advising the developer to investigate the possibility of contaminants within the site prior to development commencing and if any are found to contact Environmental Health.

Environmental Health Manager, Development Services - no objection to approval of the application and has advised that the development will have to comply with the Health and Safety at Work etc Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992.

Scottish Natural Heritage - no response received at time of writing report but following discussions have no objection to the approval of the application.

Scottish Water - no objection to the approval of the application.

Environmental Protection Manager, Direct Services - no response received at time of writing report.