

## Elgin City North WARD 06\_07

**13/00166/APP  
1st February 2013**

**Erect depot warehousing/offices fence new vehicular access and associated works at Site At Chanonry Road North Elgin Moray for SSE**

**Comments:**

- A SITE VISIT has been carried out
- The application is referred to Committee as it relates to land in which the Council, as planning authority has a land ownership and financial interest
- Advertised for neighbour notification purposes
- No Objections/Representations received

**Procedure:**

If minded to approve:

- formal decision not to be issued until receipt of developer contribution.

**Recommendation:      **Grant Planning Permission - Subject To The Following:-****

1. No development shall commence until EITHER:
  - a) details (which may include details from Moray Flood Risk Management) have been submitted to and approved by the Council as planning authority in consultation with SEPA and Moray Flood Risk Management to confirm that works undertaken as part of the Elgin Flood Alleviation Scheme (planning applications 08/00077//EIA and 09/00796/FUL refer) have been completed and operational, such works being those proposed/required within the Scheme area that are needed to reduce the risk of flooding to the site up to the required (1 in 200 year ) design standard of protection;

OR

- b) in the event of the development to be commenced in advance of the Elgin Flood Alleviation Scheme being completed and operational (as defined above), details shall be submitted to and approved by the Council, as planning authority in consultation with SEPA and Moray Flood Risk Management regarding
    - i) details to demonstrate that the buildings have been designed to flood so as not to reduce flood plain capacity before the relevant section of the Elgin Flood Alleviation Scheme is complete; and
    - ii) details of a flood action plan/emergency response plan to deal with the effect of a flood at the site including the site access and for emergency vehicles.

AND

- c) thereafter, the development shall be implemented in accordance with the approved details.

2. No development shall commence until details have been submitted to and approved by the Council as planning authority, in consultation with SEPA and Moray Flood Risk Management regarding:
  - a) a scheme detailing the arrangements for the disposal and management of surface water from the site using SUDs, to include the location, layout and design specifications for all required/proposed types of SUDs to be used for the required level(s) of treatment to be provided on the site. The required details shall be based upon the principles for a SUDs strategy for the site as outlined in the applicant agent's letter dated 26 March 2013, be developed in accordance with the technical guidance contained in The SUDS Manual (C697), provide for surface water drainage measures that limit post development run-off up to the 1 in 30 year event when compared to the pre-development (greenfield) run-off rate, include details of the surface water flow paths for events greater than the 1 in 30 year design event up to and including the 1 in 200 year event in order to demonstrate that the proposed development does not exacerbate the risk of flooding to property/premises both on and off the site, and confirm how effluent from the wash bay will be disposed of, and;
  - b) a construction surface water management plan detailing the arrangements for the disposal and management of surface water from the site during the construction phase of the development; and
  - c) thereafter, the development shall be implemented in accordance with the approved scheme and plan details.
  
3. No development shall commence until details have been submitted to and approved by the Council as planning authority, in consultation with SEPA regarding a site-specific construction environmental management plan (CEMP), which may include construction method statements, and in particular the CEMP shall
  - i) identify all potential pollution risks and site works that might impact on the environment together with all required/proposed preventative measures and (a schedule of) mitigation measures to be implemented during all stages of the development including the construction stage; and
  - ii) include details to address waste management, identifying all waste streams and proposals for their management, including any material excavated on site and importation of any waste materials to the site; and
  - iii) thereafter, the development shall be implemented in accordance with the approved details.
  
4. Prior to development works commencing details shall be submitted to and approved by the Council as planning authority regarding
  - a) details of the proposed soft landscaping arrangements, to include details regarding the location of planting and planting specifications (including species, planting mix and distances and time-scale for planting, etc.); and
  - b) details confirming both the existing levels and finished floor levels for the depot warehouse/office building, and finished ground levels for all external areas of the site, all related to a fixed datum, and
  - c) thereafter, the development shall be carried out in accordance with the agreed details.

5. All planting seeding or turfing forming part of the approved landscaping details shall be carried out not later than the end of the first planting and seeding season following use of the site first commencing, including use of the depot warehousing/office building, or completion of the building works, whichever is the sooner. Any trees or shrubs which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council as planning authority) gives written consent to any variation of this planning condition.
6. The width of the vehicular access shall be as shown on drawing no. PSSE-11-108-4003 and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The first 5m of the access, measured from the edge of the public road, shall be constructed to the Moray Council specification and surfaced with bituminous macadam.
7. The access radii shall be as shown on drawing no. PSSE-11-108-4003 and shall be kerbed using 254 x 127mm splayed/half battered precast concrete kerbs to the Moray Council specification. Drop kerbs and tactile paving shall be provided across the access to The Moray Council specification.
8. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
9. Boundary walls/fences shall be set back from the edge of the public carriageway at a minimum distance of 2.0m.
10. Prior to the use of the development hereby approved first commencing, a 2.0m wide public footway shall be provided and made available for use along the Chanonry Road North frontage of the site, as shown in drawing no PSSE-11-108-4003, to the Moray Council standards and specification.
11. Parking provision shall be provided as follows:
  - No. of spaces shall be 23 Car parking spaces;
  - No. of spaces shall be 13 Light Goods Vehicle parking spaces; and
  - No. of spaces shall be 1 Heavy Goods Vehicle parking space.

The parking spaces shall be provided within the site and made available for use prior to first occupation of the building or completion of building works whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as planning authority.
12. Notwithstanding the provisions of the Town & Country Planning (Use Classes) (Scotland) Order 1997 (or any Order revoking and/or re-enacting that Order) the use of the depot warehouses/offices shall be used solely for purposes described in the applicant's submitted particulars, in particular use within Use Class 4 of the Order and for no other use or purpose without the prior consent in writing of the Council as planning authority.

13. The development hereby granted shall not be exercised in conjunction with or in addition to the development as approved under formal decision notice 11/00464/APP dated 5 July 2011.

**Reasons:**

1. To ensure an acceptable form of development and ensure that the development does not increase the risk of flooding to adjacent properties or alter localised flood flows in the short term (i.e. prior to works associated with the Elgin Flood Alleviation Scheme which will protect and/or alleviate the risk of flooding at the site to the proposed design standard) and/or to ensure that appropriate measures are adopted to mitigate against the effect of flooding during any flood event at the site.
2. To ensure an acceptable form of development and ensure the satisfactory disposal of run-off from the site, where details of the matters specified are lacking from the submission (other than identification within a proposed SUDs strategy) and ensure that attention has been given to the design of a suitable SUDs scheme which will not exacerbate the risk of flooding to the development or other premises elsewhere (to a defined standard) throughout the life cycle of the development.
3. To control and manage pollution of air, land and water and ensure that waste on the site is managed in a sustainable manner.
4. To ensure an acceptable form of development including details of matters currently lacking from the submission in the interests of the amenities and appearance of the development.
5. In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.
6. To ensure acceptable infrastructure is provided at the development access.
7. To ensure acceptable infrastructure is provided at the development access.
8. To ensure an acceptable development that does not create any hazard to road users in the interests of road safety.
9. To ensure an acceptable development in the interests of road safety
10. To ensure acceptable infrastructure is provided for pedestrians to access the development.
11. To ensure an acceptable development in terms of parking provision and amenity of the area.
12. In accordance with the applicant's submitted particulars and in order to retain Local Authority control over the use of the site and to ensure that consideration can be given to the effects and impact of uses other than that approved herewith.

13. To ensure that only one permission is implemented, the current proposal being considered as an acceptable alternative development including use of the site to that already approved and not an addition thereto.

**Reason(s) for Decision**

The Council's reason(s) for making this decision are:-

The proposed development is considered to accord with the development plan and there are no material considerations that indicate otherwise.

**List of Informatives:**

MANAGER (DEVELOPMENT MANAGEMENT) has commented that:-

As part of the development hereby granted a "developer contribution" has been sought towards proposals to extend and promote the core path network which provides opportunities for access to the wider community, including visitors and employees.

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that:-

The premises will require to comply with the Health and Safety at Work etc Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992

Responsibility for enforcing health and safety in this particular premises rests with the Health and Safety Executive, Lord Cullen House, Fraser Place, Aberdeen.

MORAY FLOOD RISK MANAGEMENT has commented that:-

Whilst the Elgin Flood Alleviation Scheme is currently under construction and development of the site may be undertaken in advance of its completion, the applicant/developer should make any occupier of the Units aware of any residual flood risk. Given the provision for an "emergency room" the applicant and any occupants of the building are made aware of potential operational difficulties owing to flood risk.

The site is at risk of flooding and studies carried out by Moray Flood Alleviation indicate a flood risk of between 1 in 10 and 25 years. The site will be protected by the Elgin Flood Alleviation Scheme once completed and the Elgin FAS is currently programmed for completion early 2015.

The Flood Risk Management (Scotland) Act 2009 requires every local authority to prepare a map which shows (or more than one map which, taken together, show) relevant bodies of water and sustainable urban drainage systems (SuDS) in its area. The developer shall provide any such information to the Council's Senior Engineer (Flood Risk Management) in an acceptable format on completion of the development.

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

See consultation response dated 26 February 2013 and 27 March 2013 regarding flood risk, the requirement for a scheme detailing sustainable drainage (SUDS) surface water treatment, information regarding the preparation of the CEMP and other regulatory advice.

The development must not result in loss of flood plain storage before relevant section of Elgin FAS is complete, to avoid any increased risk of flooding to adjacent property in short-term. The development would be at high risk of flooding if built before the relevant section of the Elgin FAS is complete. The applicant should be fully aware of this risk. Measures to ensure the building is water resistant and not susceptible to damage in the event of flooding should be taken including waterproof materials, raised electrics and a flood action plan to ensure the safety of occupants (PAN 69 refers)

SCOTTISH WATER has commented as follows:

See consultation response dated 19 February 2013 regarding connections to Scottish Water infrastructure.

THE TRANSPORTATION MANAGER, DIRECT SERVICES, ACADEMY STREET, ELGIN has commented that:-

Planning consent does not carry with it the right to construct a new road or any part of a road. In accordance with Section 21 of the Roads (Scotland) Act 1984 Construction Consent for new roads (includes passing places, modified junctions and footpaths) that will form part of the public road will be required. Advice on this matter can be obtained by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk) and reference to the following pages on the Council web site

Checklist: <http://www.moray.gov.uk/downloads/file68812.pdf>

RCC: [http://www.moray.gov.uk/moray\\_standard/page\\_65638.html](http://www.moray.gov.uk/moray_standard/page_65638.html)

Specification: <http://www.moray.gov.uk/downloads/file68813.pdf>

The applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing [roads.permits@moray.gov.uk](mailto:roads.permits@moray.gov.uk) and reference to the following page on the Council web site

Road Opening: [http://www.moray.gov.uk/moray\\_standard/page\\_79860.html](http://www.moray.gov.uk/moray_standard/page_79860.html)

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing [road.maint@moray.gov.uk](mailto:road.maint@moray.gov.uk)

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin - Tel (01343) 557300, Ext 7343 to discuss the proposals.