

07/01649/OUT  
17th August 2007

Outline for change of use of ground and erect 26 town houses  
and 12 light commercial units at Cold Store Shore Street  
Lossiemouth Moray for Hughes Enterprises

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**Comments:**

- MEMBERS WILL HAVE VISITED THE SITE.
- Competent written objections received from more than 5 separate households or other premises.
- Development Control Manager is minded to approve application (as recommended below) which is a departure from the development plan.
- Advertised as a departure from the development plan.

**Procedure:**

- Referred to hearing in accordance with the agreed scheme of delegation.

**Recommendation:      Permit - Subject To The Following:-**

1. (a) That in the case of any reserved matter, application for approval must be made before:-
  - (i) that expiration of 3 years from the date of the grant of outline planning permission; or
  - (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest: provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above.
- (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
  - (i) the expiration of 5 years from the date of the grant of outline planning permission; or
  - (ii) the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

2. The approval hereby granted is in outline and prior to the commencement of the development approval of the details, including the siting, design and external appearances of the building(s) the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Council, as Planning Authority.
3. The proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the reserved matters numbered 4 - 7 below.
4. Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 3 above.
5. The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water shall be submitted in accordance with condition no. 3 above.
6. Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 3 above.
7. Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 3 above.
8. Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no. 3 above.
9. The width of vehicular access shall be 5.5 metres and have a maximum gradient of 1:20 measured for the first 5.0 metres from the edge of the public carriageway. Section of access road shall be to The Moray Council specification and surfaced in bitmac.
10. No water shall be permitted to drain onto the public footpath/carriageway.
11. The number of parking spaces to be provided shall be 2 no spaces for houses with three or less bedrooms and 3 no spaces for houses with four or more bedrooms.
12. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
13. The access radii shall be 7.6 metres and be kerbed using 254 x 127mm hppc kerbs.
14. New buildings shall be set back from the edge of the Argyle Street and Shore Street carriageways by 2.4 metres.

15. Existing footways along the site frontage onto Argyle Street and Shore Street shall be resurfaced to The Moray Council specification.
16. A new 1.2 metre wide footway to The Moray Council specification shall be provided along the frontage onto Carvel Street and extended to tie-in to the existing footway outside no. 5 Carvel Street.
17. Drop kerbs shall be provided at all pedestrian crossing points, including on existing footways on Shore Street and Argyle Street to complement new drop kerbs on the upgraded footways.
18. If significant unsuspected contamination is found then all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with The Council as Planning Authority.
19. That detailed proposals for the disposal of surface water shall be designed and implemented as outlined in the agent's letter of 19th September 2007.
20. That for a development of 26 no units, 5 no affordable units of accommodation shall be provided within the site hereby approved, and;
  - a) prior to development works first commencing, details of the location of the required units of accommodation shall be submitted to and approved by the Council as Planning Authority,
  - b) prior to any development works first commencing on the approved location for the affordable units of accommodation, details regarding the design and arrangements to ensure long term delivery and provision of the required units shall be submitted to and approved by the Council as Planning Authority, and;
  - c) thereafter, the development shall be implemented in accordance with the approved details.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that the matters specified can be fully considered prior to the commencement of development.
3. As the consent is in outline only and in order that detailed consideration can be given to the matters specified.
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9. In the interests of road safety.
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14. In the interests of road safety.
15. In the interests of road safety.
16. In the interests of road safety.
17. In the interests of road safety.
18. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
19. In order to prevent environmental pollution.
20. To ensure an acceptable form of development and safeguard the required provision of such housing on the site, including details of matters specified which are currently lacking from the submission.

**List of Informatives:**

THE CONTAMINATED LAND SECTION has commented that:-

Your property has been identified as being in the vicinity of the following potential sources of contamination:

- Refrigerated store on site.
- Various unclassified works in vicinity.

Map Group A 1868 - 1897 Ordnance Survey Maps  
Map Group B 1898 - 1906 Ordnance Survey Maps  
Map Group C 1930 - 1938 Ordnance Survey Maps

Map Group D 1959 - 1971 Ordnance Survey Maps  
Map Group E 1969 - 1992 Ordnance Survey Maps  
Map Group F Present Day Ordnance Survey Maps

The Moray Council does not have information to confirm whether or not the ground has been contaminated, however it is recommended that you investigate this matter prior to proceeding with the proposed works. Should contamination be identified you should contact the Environmental Health section immediately and carry out agreed remediation works. For advice on researching/investigating a site, please visit the Council's website at [www.moray.gov.uk/ContaminatedLand](http://www.moray.gov.uk/ContaminatedLand). Alternatively you can contact the Environmental Health Section on 01343 563345 or by email to [contaminated.land@moray.gov.uk](mailto:contaminated.land@moray.gov.uk)

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

The proposed Light Commercial Units will require to comply with the Workplace (Health, Safety and Welfare) Regulations 1992.