

18/00964/APP
12th July 2018

Subdivision of existing retail unit and part change of use to Class 11 (Assembly and Leisure) with creation of new entrance and associated external work at New Look Plc Unit 3 Springfield Retail Park Edgar Road for Springfield Retail Park Elgin Real Estate S.A.R.L

Comments:

- The appointed officer considers the proposed introduction of a proposed (Class 11) leisure use within the Class 1 non-food retail use of Springfield Retail Park would represent a significant amendment to that development as granted planning permission.
- Development subject to advertisement/display notice as development of a class specified in Schedule 3 of the Development Management Regulations 2013.
- Advertised as a departure from the development plan (no longer applicable).
- Three letters of objection have been received.

Procedure:

- None

Recommendation Grant Planning Permission – subject to the following:-

Conditions/Reasons

1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or such Order that may revoke, amend or re-enact that Order) the permission hereby granted shall relate only to the use of the existing retail unit (once sub-divided) for Class 1 non-food retailing purposes and the use of the remainder of the unit (once sub-divided) for the purposes of a gym within Class 11, and neither the retail unit nor the gym shall be used for any other use or purpose without the approval of the Council, as Planning Authority.

Reason - To ensure consideration can be given to the effects and impacts of uses other than that approved herewith upon the amenity and appearance of the surrounding area.

Reason(s) for Decision

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

The proposal is considered to comply with the requirements of the Moray Local Development Plan 2015 and there are no material considerations that would indicate otherwise.

List of Informatives:

THE BUILDING STANDARDS MANAGER, has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

THE ENVIRONMENTAL HEALTH MANAGER, has commented that:-

The premises will be required to comply with the Health and Safety at Work etc. Act 1974, the Workplace (Health, Safety and Welfare) Regulations 1992 and the other relevant regulations made under the Act. The Environmental Health Section would have responsibility for health and safety enforcement in the premises.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
AL (0) 001	B	Location plan
AL (0) 100	A	Proposed floor plan
AL (0) 150		Elevations
AL (0) 200		Proposed ground floor plan
AL (0) 201		Proposed upper floor plan
AL (0) 250		Proposed elevations



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
18/00964/APP

Site Address:
New Look Unit 3 Springfield Retail Park
Elgin

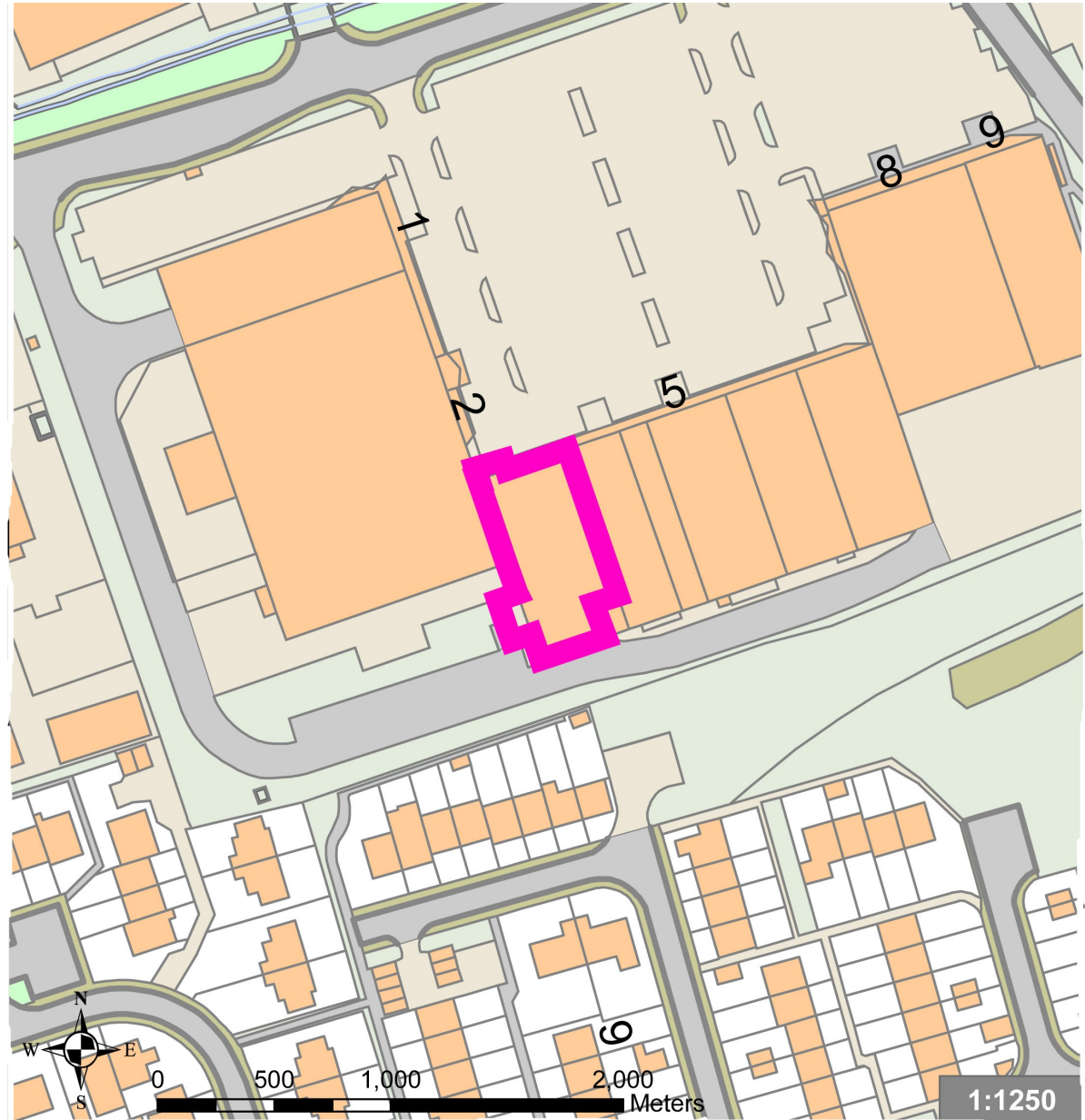
Applicant Name:
Springfield Retail Park Elgin Real Estate S.A.R.L

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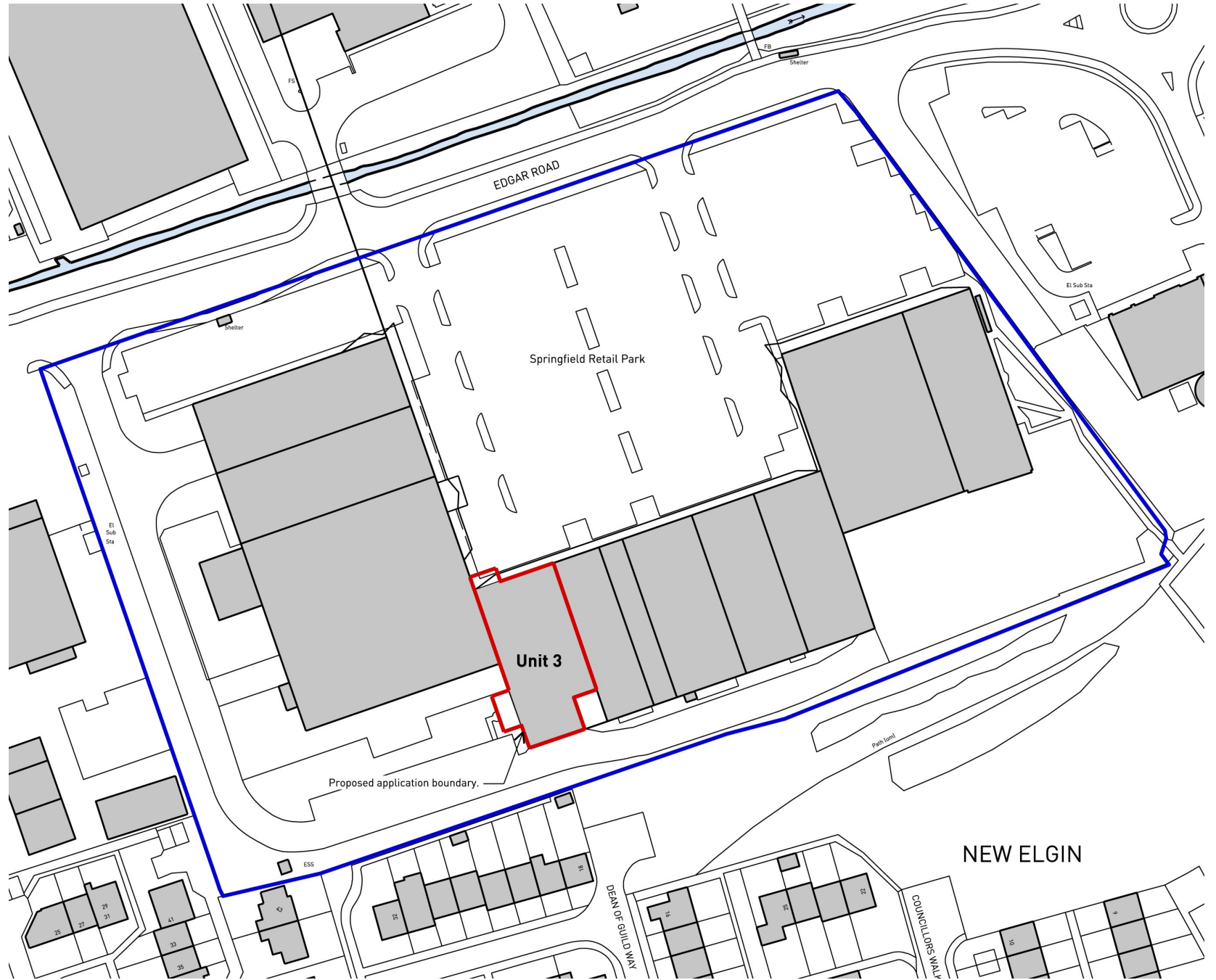
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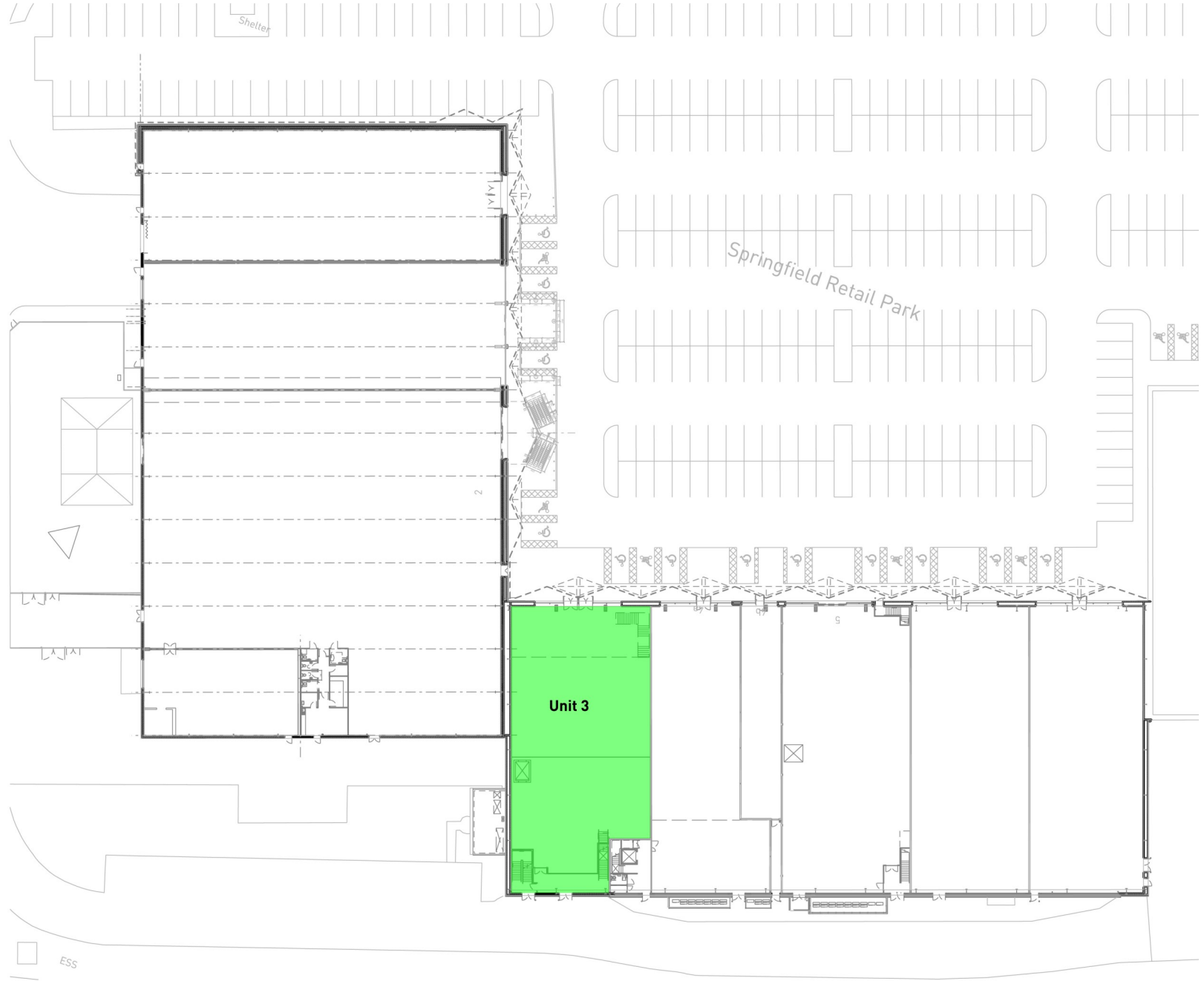
Location Plan



Site Location



Site plan





NEW LOOK

NEW LOOK

NEW LOOK

PLANNING APPLICATION: 18/00964/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

- Sub-division of an existing retail unit to form a gym and retail unit.
- Approximately two thirds (447sq m) of the ground floor would remain in retail use, with the other third (268sq m) and the entire first floor (577sq m) to be used as a gym. (The total gross floor area for the gym is approx. 845sq m).
- The proposed retail unit would utilise the existing access on the front elevation of the existing retail unit whilst the gym would have new access to the right hand side of this. The existing windows between these two doors would be blocked up. A fire exit door would be installed to the left hand side of the existing access.

THE SITE

- The site comprises Unit 3 (previously approved as part of Unit 2), Springfield Retail Park, Edgar Road, Elgin. It is currently approved for Class 1 non-food retail use and occupied by New Look.
- The existing unit covers two floors and has a total floor area of approx. 1300sq m.
- The existing unit along with all other units within the retail park are arranged around, and share, an area of car parking located to the front of all units.
- All units in the retail park are approved for Class 1 non-food retail use, except for a café (Costa) (a Class 3 use, 157sq m).
- Commercial uses are also found to the north and west of the site, with residential properties and the Doocot Park to the south and east respectively.

HISTORY

08/00802/FUL - Vary condition 1 of planning permission MP/849/86 as subsequently varied by planning permission 00/00473/FUL under section 42 of the Town and Country Planning (Scotland) Act 1997 to allow for the sale of open class 1 non-food goods - approved 25 February 2009 but decision reduced following Judicial Review by the Courts. The application was then remitted back to the Council and approved on 28 August 2011. After a further petition for Judicial Review, which was refused by the Courts on 4 May 2012, the formal decision notice as dated 28 August 2011 remains i.e. permission granted subject to conditions allowing for Class 1 non-food retail use and a requirement that no proposals, internal or external, which alter or affect the existing unit in terms of the number of units and/or gross floorspace of the premises occur without the prior consent of the Council. (This permission, along with 08/00801/FUL and 08/00803/FUL relate to units within Springfield Retail Park now occupied by operators including Currys, B&M and Sports Direct, etc.).

88/00253/FUL - Erect Phase 2 of retail development at Edgar Road - approved 24 October 1989 subject to conditions regarding the nature and type of retailing (Condition 2), any subdivision to be not less than a minimum of 1000sqm gross space (Condition 3), and that retailing of food or groceries shall not be permitted (Condition 4). (This permission refers to units within Springfield Retail Park now occupied (after being extended) by Carpetright, Boots, Next, Costa, JD Sports, New Look and Currys).

00/00472/FUL – Substitute condition no 2 of consent 88/00253 with "the sale of goods restricted to household goods (such as carpets, furniture and electrical goods) and bulky DIY items of the type sold in retail warehouses and all items ancillary to the foregoing" - approved 14 June 2000 subject to a condition that the consent is for non-food retailing.

00/00485/FUL – Delete conditions no. 3 and no. 4 attached to planning consent 88/00253 at Springfield Retail Park – approved 14 June 2000 but subject to condition that the consent is granted solely for non-food retailing.

05/00145/FUL – Vary condition 2 of consent 00/00472/FULL to allow for the sales of open Class 1 non-food goods from Units 2a, 2b and 2c at Springfield Retail Park – approved 29 March 2006.

06/02603/FUL – Erection of open Class 1 non-food extension to existing retail park at Springfield Retail Park (eastern infill extension of Unit 2) – approved 22 January 2008.

06/02617/FUL – Erection of open Class 1 non-food extension to existing retail park at Springfield Retail Park (western infill extension of Unit 2) – approved 22 January 2008.

12/02113/APP – Sub-division and change of use of retail unit from Class 1 (retail) to combination Class 1/Class 3 coffee shop and associated internal and external alterations at Unit 1 Springfield Retail Park – approved 15 March 2013 subject to the uses being restricted to Class 1 non-food retailing and Class 3 (for café).

POLICY - SEE APPENDIX 1

ADVERTISEMENTS

- Advertised as a Schedule 3 development (bad neighbour).
- Advertised as a departure from the development plan.

CONSULTATIONS

Development Plans – No objection. The additional information provided by the applicant helps to justify the floorspace requirements. Whereas 929sq m/10000sq ft is advised in the applicant's assessment as the operator's minimum space, the proposed floor area in the application at 823sq m/8858sq ft is below the minimum, suggesting a compromise on space has already been made. The information is sufficient to demonstrate that a sequential approach to site selection has been undertaken and consideration has been given to the impact on the town centre. The scale and form of the proposal is considered unlikely to have significant adverse impacts on the vitality and viability of the town centre,

the floor space is not new space but utilises existing trading space, and any change in impact as a result of the change in use is likely to be low.

Developer Obligations – No developer obligations sought.

Transportation – No objection. Trips associated with the retail unit are likely to already be on the network given the current use and will not have an impact on network operation and car parking capacity, hence trips generated by the retail unit have not been considered. Following provision of TRICS data, the trip rate parameters are not representative of the proposal and to ensure robustness, Transportation has used more appropriate parameters to reflect the demographics of Elgin. This does not result in a material increase in traffic on the surrounding network and there will be no significant impact on the surrounding road network. There is adequate capacity within the existing car park to accommodate the demand associated with the gym as demonstrated in the parking survey.

Environmental Health – No objections however informative notes provided on health and safety regulations.

SEPA – Refer to standing advice.

Moray Flood Risk Management – No objections.

Building Standards – A Building Warrant is required.

Scottish Water – No objections but this does not confirm that the development can be serviced and being unable to reserve capacity at water and waste water treatment works, further appraisal required once full planning permission granted.

OBJECTIONS-REPRESENTATIONS

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

Three representations received from:

- [REDACTED]
- [REDACTED]
- [REDACTED]

The main issues of the representations are set out below.

Issue: Granting of permission would set an undesirable precedent and create problems for the Council in refusing similar applications for subdivision and/or leisure use in retail parks in the future.

Comments (PO): Whilst planning history is a material consideration, each application is considered on its own individual merits including, in this case, demonstration of the sequential approach.

Issue: The applicant must submit a sequential assessment and conduct a retail impact assessment.

Comments (PO): Given the size and form of the proposal, and the fact that the proposed change of use is not retail, no retail impact assessment has been sought/provided. Information has been provided to demonstrate application of the sequential approach to support the location for the proposed use.

Issue: The old Junners Toy Shop at 57/61 South Street is currently vacant and contains enough floor space to accommodate a gym. Plans for a gym were drawn up though the (contributor's) project did not proceed to application stage following the EU referendum in 2016 and subsequent funding problems.

Comments (PO): In the supporting information, the current applicant's sequential approach evaluated the use of 57/61 South Street for the proposed gym. Here, it was determined the floor space and ceiling heights are insufficient and the location is not suitable for the use of the gym operator. The commercial and political-based reasons advanced by the contributor are neither material planning considerations nor a basis to reject this current application.

Issue: Vacant block at 77, 79-83 High Street and 4 Lossie Wynd (former Poundworld and Elgin Antiques Centre) has sufficient space for a gym use.

Comments (PO): From the supporting information, the sequential approach has evaluated that the use of these buildings would not meet the format required by the gym operator, particularly in terms of necessary floor to ceiling height and overall floor space required. The site also lies in an area designated as the Core Retail area, where ground floor retail use is the preferred use.

Issue: Adverse impact on vitality and viability of Elgin town centre, contrary to Policy R2.

Comments (PO): The proposal is considered to comply with Policy R2 (see Observations section below).

Issue: The circumstance of New Look PLC undergoing a company voluntary agreement and the subsequent review of their tenancy is not a reason in itself to sub-divide the unit.

Comments (PO): The circumstances of the current tenant are not a material planning consideration nor have they been considered as part of the determination of this application.

Issue: Parking issues at the retail park will be exacerbated.

Comments (PO): A parking survey has been provided in support of the application, which demonstrates that there is sufficient parking within the retail park to accommodate the proposed use. The Transportation Manager has not objected to the application on this basis.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main issues are considered below.

As detailed in the history above, the retail park was first granted planning permission in 1987 but the unit in question formed part of a second phase of that development, as

granted in 1989. Springfield Retail Park has continually operated with its use for Class 1 non-food retailing defining its principle character and function.

If this application is approved, it would be the first leisure use within this retail park and thus it represents a significant amendment to the basis upon which the Council first considered the use of the unit. The proposal involves re-use of existing floorspace, up to approx. 845sq m out of 9880sq m or approx. 8.5% of the total floor at Springfield Retail Park. The earlier approved Class 3 café use represents 1.67% of total floor space.

For reasons set out in the applicant's supporting statement, the owner of the retail park is reviewing the existing retail operator's (New Look) tenancy. Whilst not specifically named, the prospective tenant for the new gym would be an operator new to Elgin and would operate 24 hours a day/7 days a week. The identified gym operator's requirements also include a minimum size of unit of approx. 10000sq ft on and over a maximum of two floors, a building with a good floor to ceiling height, a highly visible location within a dense population catchment and easy access to parking or close to major transport links.

As well as being advertised as a "Schedule 3" development (colloquially known as a "bad neighbour" development which includes use as a gymnasium), the application was also advertised as a departure from Policy R2 of the Moray Local Development Plan 2015 (MLDP) on the basis that no information about the sequential approach to selecting the site for this leisure proposal was provided with the application. The sequential approach is also advocated and informed by planning policy at a national level, as set out in Scottish Planning Policy (SPP). Further information about the required approach was subsequently provided by the applicant in support of the application and as such the application is no longer regarded as a departure from the development plan on those terms (see below).

Leisure Use within Commercial Centre (R2, IMP2)

The application proposes a change of use of part of an existing retail unit into a gym. The MLDP identifies Springfield Retail Park as a Commercial Centre, which is identified within the hierarchy of centres specified under Policy R2. The sequential approach gives preference to the siting of high footfall generating uses (including leisure uses) in town centres and edge of town centre sites over commercial centres and out of centre locations. Proposals must therefore demonstrate that they have undertaken a sequential approach and assessed town centre sites in order to justify that the chosen site for the proposed use cannot be reasonably accommodated within the town centre.

Policy R2 applies here because it is considered that the proposed gym would likely result in significant footfall and although a retail impact assessment is not considered appropriate (see below), the proposal would use part of an existing retail development which already satisfies a number of the requirements of Policy R2, whether in terms of its building design (which has previously been considered to be acceptable in terms of its contribution to the built environment), the proposed continuing use of the existing (and previously approved) access, parking and drainage infrastructure, and also in terms of the proposal affording opportunities for access by public transport, pedestrians, cyclists and the disabled.

As provided, the sequential approach assessment gives an evaluation of the following vacant properties identified to be of an appropriate size within or on the edge of Elgin town centre (as defined in the MLDP):

- 57/61 South Street (former Junners Toy Shop) – Town Centre

- 77, 79-83 High Street and 4 Lossie Wynd (former Poundworld and Elgin Antiques Centre) – Town Centre
- Elgin South Church (former Spire Roxx) – Edge of Town Centre

In appraising these sites, the sequential assessment found that none of the properties were suitable or provide sufficient floorspace that modern gym operators require, along with insufficient floor to ceiling clearance for fitness equipment. Irrespective of availability, sites are also discounted owing to their lack of flexibility in useable floorspace, on-site parking issues, and the need for refitting/refurbishment of existing town centre or edge of centre buildings (some of which are listed and or within Elgin High Street Conservation Area).

The sequential approach also details that the format of the operator is such that only out of town/retail park sites will be considered for Elgin, particularly in terms of parking. The assessment also concludes that the required retail park floorspace could not reasonably be accommodated within the town centre based upon the Council's Town Centre Health Check 2018, which does not identify any 800sq m-sized site in the town centre, and disaggregation of the leisure floorspace across several units is not a realistic proposition.

With regard to the smaller retail unit that would result from the proposal, the supporting information advises that marketing of the unit in its current format has been unsuccessful, noting that a challenging retail market has seen demand for larger retail units fall. However, a new retailer to Elgin is keen to take on a smaller unit in the retail park should the proposal come to fruition. With change of use as proposed, part of the existing retail unit will remain available for Class 1 non-food retailing. Notwithstanding the reduced size of unit, its continuing use for Class 1 non-food retailing would remain appropriate within, and relate well to the approved use of, Springfield Retail Park. With the reduction in unit size, any direct and/or adverse impact on town centre vitality and viability would also be reduced.

Although Policy R2 refers to requirements for retail impact assessment, this would not be appropriate here: the proposal is not of retail use, the proposal does not result in new additional floorspace but re-use of an existing unit and changes in use of units to introduce a café (on Springfield Retail Park) and a 525sq m gym now operating from Elgin Retail Park were similarly not subject to such assessment. Additionally, the size of the unit is smaller than that which might otherwise be subject to formal assessment by reference to SPP and/or retailing considered under Policy R3 (neighbourhood and local shops, etc.). Overall, the proposed leisure use is not considered to have an unacceptable or significant adverse impact on the vitality and viability of town centres.

On the basis of the submitted information, the proposals are considered to have addressed the sequential approach and being acceptable in other respects, the proposal is considered to comply with Policies R2 and IMP2. With the gym, the proposal is not considered to be of sufficient size and form as to adversely and unacceptably alter and change the character, role and function of Springfield Retail Park.

Access and Parking Provision (T2, T5)

The existing access and parking arrangements within the retail park would remain unaltered as part of this proposal. To support the proposal, information on trip generation (TRICS data) and parking provision (Parking Survey) was provided at the request of the Transportation Manager. However, as the information provided is an analysis of a population within 1 and 5 miles of the site, which is far in excess of the current population

of Elgin and its environs, the Council's Transportation Section has re-assessed the TRICS data so that it is more appropriate to the local population, finding that the proposed gym use would result in a higher trip rate than those reported (35 as opposed to 24 trips during the PM peak period (17:00 – 18:00hrs)). Nonetheless, the Transportation Manager is content that, after re-appraisal, there would be no material increase in traffic and no significant impact on the surrounding road network.

With regard to parking, the parking survey demonstrated that there is adequate capacity to accommodate the demand associated with the gym proposal.

The Transportation Manager has no objections to the proposals and the proposals are therefore considered to comply with policies T2 (Provision of Access) and T5 (Parking Standards).

External Alterations (IMP1)

In order to accommodate the sub-division, minor amendments are proposed to the existing front entrance to the retail unit, as well as the creation of a new entrance for the gym. The amendments are considered to be suitable, utilising materials to match the remainder of the frontages within the retail park, and would occupy a relatively small area in the frontage of the building. These minor amendments would not have an adverse impact on the appearance of the units within the retail park or the character of the surrounding area. The proposals are therefore considered to comply with Policy IMP1.

Flood Risk (EP7)

Part of the site falls within an area identified as being at risk from a 1:1000 year fluvial flooding event. Both Moray Flood Risk Management and SEPA raise no objections to the development, noting that the existing retail use and proposed leisure use fall within the same category of land use vulnerability in SEPA's standing advice to planning authorities on control of development in flood risk areas. As such, it is considered the proposals do not conflict with Policy EP7.

Impact on Amenity (IMP1)

A residential area in New Elgin is located to the south of the unit, with the nearest residential properties being on Dean of Guild Way. Apart from rear fire exit doors, no addition of external plant and machinery to service the proposed use (e.g. air conditioning units) is shown on the application drawings. Were these necessary, a further application for planning permission would be required.

In terms of noise emissions from the gym, the main concern for such uses would lie with music from within the gym, however subject to this being managed/controlled together with consideration over the intervening distance and internal insulation between premises and in the absence of additional plant and openings in the building, etc. no significant or unacceptable adverse noise impact is anticipated. The Council's Environmental Health Service has not objected to the application on the basis of potential adverse impacts on the amenity of the surrounding area, however any complaints with regard to noise would ultimately be dealt with by the Council's Environmental Health Service under separate legislation.

As Class 11 use covers a wide range of potential uses, a condition is recommended to restrict any permission being granted to that as applied for i.e. as a gym in order that further consideration can be given to the impact of any other (Class 11) use in relation to

planning policy (including Policy R2 and sequential approach requirements) and upon the character, amenity and appearance of Springfield Retail Park and the surrounding area.

Matters Raised in Representations

The matters raised in the representations received have been addressed in the summary under Representations.

REASON(S) FOR DECISION

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

The proposal is considered to comply with the requirements of the Moray Local Development Plan 2015 and there are no material considerations that would indicate otherwise.

**Author/Contact
Officer:**

Andrew Miller
Planning Officer

Ext: 01343 563274

**Beverly Smith
Manager (Development Management)**

APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Primary Policy PP1: Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Policy EP7: Control of Development in Flood Risk Areas

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of National Guidance and to the satisfaction of both the Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%) there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for essential civil infrastructure and most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:
 - Residential, institutional, commercial and industrial development within built up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan;
 - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow;

- Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place and
- Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

- Civil infrastructure and most vulnerable uses;
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flow), and
- An alternative, lower risk location is not available and
- New caravan and camping sites.

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Policy T5: Parking Standards

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

Policy R2: Out of Centre Development of Retail, Commercial and Leisure Proposals

Outwith town centres retail development proposals (including extensions) and other uses generating significant footfall such as leisure or public buildings, must:

- a) comply with the sequential approach which requires that locations for new development be considered in the following order of preference:
 - Principal and Other Town Centre Sites;
 - Edge of Town Centre Sites;
 - Other Commercial Centres identified within the Table 1 "Retail Centres and Roles";
 - Derelict or vacant land in out of centre locations that are or can be made easily accessible by pedestrians and a choice of modes of transport;
 - Out of centre sites in locations which are, or can be made, easily accessible by pedestrians and a choice of modes of transport;

- b) demonstrate that there is no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, this being demonstrated where appropriate, by a Retail Impact Assessment,
- c) meet any requirements for linking development to existing infrastructure including roads access, parking, as demonstrated by a Transport Assessment, sewerage, water run-off and Sustainable Urban Drainage Systems (SUDS),
- d) provide specific opportunities for access by public transport, pedestrians, cyclists and the disabled, and
- e) contribute positively to the built environment of the area by having a high standard of design.

Proposals outwith settlement boundaries will not be acceptable, with the exception of specialist retailing associated with tourism which should be considered against Policy R3 and roadside facilities which should be considered against Policy T3. Small shops intended to meet the convenience needs of a local neighbourhood should be considered against Policy R3.

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with 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) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.

- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Policy IMP2: Development Impact Assessments

The Council will require applicants to provide impact assessments in association with planning applications in the following circumstances:

- a) An Environmental Assessment (EA) will be required for developments that are likely to have significant environmental effects under the terms of the regulations.
- b) A Transport Assessment (TA) will be sought where a change of use or new development is likely to generate a significant increase in the number of trips being made. TAs should identify any potential cumulative effects which would need to be addressed. Transport Assessments should assess the effects the development will have on roads and railway infrastructure including stations and any crossings. Transport Scotland (Trunk Roads) and Network Rail (Railway) should be consulted on the scoping of Transport Assessments. Moray Council's Transportation Service can assist in providing a screening opinion on whether a TA will be sought.
- c) In order to demonstrate that an out of centre retail proposal will have no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, a Retail Impact Assessment will be sought where appropriate. This may also apply to neighbourhood shops, ancillary retailing and recreation/tourism retailing.
- d) Where appropriate, applicants may be asked to carry out other assessments (e.g. noise; air quality; flood risk; drainage; bat; badger; other species and habitats) in order to confirm the compatibility of the proposal.

Policy IMP3: Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail

the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

CC: Commercial Centre - Edgar Road

It is recognised that Edgar Road is an established retail area and this area is identified as a Commercial Centre within Table 1 "Retail Centres and Roles" within Policy R2. This is the preferred location for bulky good and comparison outlets if no town centre or edge of town centre sites are available. The area is currently characterised by convenience, bulky goods, and comparison retailing. This area has helped to maintain the area's competitiveness with Inverness and Aberdeen. A flood risk assessment may be required for any planning application within this area.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.