

PLANNING APPLICATION: 07/01297/FUL

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

- The proposal is to extend the existing workshop and office accommodation. The extension is two storeys and has a floor space of approx. 199m² on each floor and a height of 7.7 metres. The ground floor consists of a workshop, reception, locker room, canteen and toilets. The first floor consists of stores, offices and a staff room. The external cladding is green profiled sheeting and render to match existing with green profiled roofing.

The Site

- The site is situated of the A95 on the outskirts of Craigellachie and is accessed by a dirt track. The site is screened from the A95 by trees and a hedge.

Policy / Objections-Representations / Consultations - See Appendix

History

For the site:

- 95/00762/FUL** - Make permanent existing temporary consent for business store - Approved under delegated powers.
- 97/01807/FUL** - Install a portacabin for use as an office - Approved under delegated powers.
- 02/02278/FUL** - Temporary consent to install a portacabin for use as an office - Approved under delegated powers.
- 06/01079/OUT** - Outline application for change of use from offices to residential use with replacement of offices with the erection of one dwellinghouse - Withdrawn.

For the area:

- 04/01969/FUL** - Change of use and alterations to form house at Boat of Fiddich, Craigellachie - Approved under delegated powers. This site adjoins the western boundary of the current application site.
- 06/02391/OUT** - Outline to erect one dwellinghouse and garage at site at Inverfiddich House, Craigellachie - Withdrawn. This site adjoins the northern boundary of the application currently under consideration.

Advertisement

Advertised as a departure from the development plan.

Observations

Determining issues:

Impact of extending the existing workshop and office accommodation on the surrounding area (L/IMP2, L/IMP3 and L/T4).

The proposal would satisfy the requirements of policy L/IMP2 Development in Rural Areas and L/IMP3 New Building Design. The extension is screened from the road by trees and hedgerows. The design of the extension is in keeping with the existing building.

SEPA have objected to the proposal on the basis of possible flood risk. Insufficient information was supplied to demonstrate that the proposed development meets the requirements of SPP7: Planning and Flooding. The site has a risk of flooding and it follows that to allow development to proceed may place property or persons at serious risk.

A95 Trunk Road Access

The Scottish Government Development Division, Trunk Roads Network Management and the Transportation Manager have been consulted and responded advising that the application should be refused for the following reasons: -

The proposed development could result in a material change in the number of vehicles entering and leaving the traffic stream point where visibility is restricted and the horizontal alignment of the existing access is sub-standard thus creating interference with the safety and free flow of traffic on the existing trunk road.

The proposed development would result in an intensification of waiting and turning manoeuvres causing increased interference with the safety and free flow of the traffic on the trunk road where overtaking occurs and where vehicle speeds and volumes are high and traffic is free flowing.

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Planning Officer

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Signature (*Alan Short, Development Control Manager*)

R A STEWART
DIRECTOR OF ENVIRONMENTAL SERVICES

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- f) conserving and enhancing the areas built heritage resources and their settings.

Policy L/IMP2: Development in Rural Areas

The Council will seek to ensure that all proposals for development in the rural area (i.e. all areas in Moray outwith town settlement and rural community boundaries) are compatible in terms of character, amenity and design, integrate sensitively into the environment and, where possible, located within easy walking range of public transport (this latter requirement will particularly apply to large scale developments). The Council will, therefore, pay special regard to matters such as traffic and landscape impact, accessibility, loss of productive or biodiverse land, siting, scale, colour and energy conservation. The Council will consult relevant organisations such as Scottish Natural Heritage, the Scottish Environmental Protection Agency etc. on significant development proposals and 'The Moray Landscape Character Assessment' report as prepared by Scottish Natural Heritage will be utilised to inform decisions on siting and locating within the landscape.

Policy L/IMP3: New Building Design

(i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

(iv) Materials

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

Policy L/IMP7: Drainage Impact

New development must connect to a public sewer for the disposal of foul drainage if one is available within a Town, Village or Rural Community. If it is not available alternative forms of treatment may be considered and must meet with the approval of NOSWA and SEPA. The Council will promote the employment of Sustainable Urban Drainage Systems (Sustainable Urban Drainage Systems) in the disposal of surface water run-off, and unless otherwise advised by SEPA, will operate a presumption against the disposal of surface water directly to a watercourse. Proposals must meet the requirements of policies L/ENV21 (Private Waste Water Treatment and Drainage), L/ENV22 (Pollution Conditions), L/ENV23 (Private Water Supplies), L/ENV24 (Surface Water Drainage) and L/ENV26 (Control of Development in Flood Risk Areas) in Chapter 2, if relevant.

Policy L/T7: Parking Standards

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

Policy L/T4: Provision of Road Access

The Council will require that a suitable and safe access from the public highway is provided.

Policy L/ENV7: Areas of Great Landscape Value (AGLV)

Development proposals within AGLV's will only be permitted where they incorporate high standards of siting and design for rural areas and where they will not have a significant adverse effect on the landscape character of the area (see policies L/IMP2 and L/IMP3 in chapter 8). The Council will require detailed proposals covering site layout, landscaping, boundary treatment, building design and material finishes to be provided with planning applications.

The Council will seek a Direction from the Scottish Ministers to restrict the formation of vehicle tracks above the 150m level within AGLV's.

Policy L/ED4: Established Business Areas

Within 'Established Business/Industrial Areas' as identified in the Town Maps the Council will presume in favour of business redevelopment and expansion (subject to environmental considerations). Proposals which may conflict, such as residential or retail uses, will normally be resisted.

Policy L/ENV10: Settlement Boundaries

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Plan period. Development proposals immediately outwith the boundaries of these settlements will not normally be acceptable.

Countryside Around Towns (CAT's) have been designated within undeveloped countryside areas around Elgin, Forres, Buckie, Lossiemouth and Keith to preserve the distinction with the built up environment and to protect their special character.

Development in the countryside policies will be applied with greater restrictions within the CAT's. These are shown on the Proposals Map.

Emerging Moray Local Plan 2008 - Material Consideration

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.

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 is a presumption against new accesses onto a trunk road and that the Scottish Executive will consider the case for such justifications, where nationally significant growth or regeneration benefits can be demonstrated.

T5: Parking Standards

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

E7: Areas of Great Landscape Value (AGLV)

Development proposals which would have an adverse effect on an Area of Great Landscape Value will be refused unless:

- a. they incorporate the highest standards of siting and design for rural areas,
- b. they will not have a significant adverse effect on the landscape character of the area,

- c. they are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

The Council will require full detailed planning applications covering site layout, landscaping, boundary treatment, building design and material finishes for all proposals within AGLVs.

OBJECTIONS-REPRESENTATIONS

13 competent letters of objection were received from: -

- Peter Aitchison, Group Pensions Scheme Manager
- Duncan F Beattie, 44 Riccarton Drive, Currie, Midlothian, EH14 5PN
- Martin and Norma Bone, 194 Lanark Road West, Edinburgh, EH14 5NX
- Stephen and Angela Drummond, 2 Robert Wilson Grove, Townhill, Dunfermline, KY12 0HS
- Ronald Aitchison, Inverfiddich House, Craigellachie, Moray, AB38 9RQ
- Craig Mackay, 5 Eshiels Holdings, Peebleshire, EH45 8NA
- Diane and Nigel Brereton, Horseshoe Cottage, Bourton On The Hill, Moreton Marsh, Gloucestershire, GL56 9AE
- Ms Lauren Drummond, 43 Carrick Knowe Place, Edinburgh, EH12 7EP
- Ms Julie Simpson, 20 Orchard Brae Gardens, Edinburgh, EH4 2HJ
- Mrs A Pinkerton and Family, 7A Convenor Street, New Elgin, Moray
- Mrs Christine H Simpson, 22/4 Sighthill Loan, Edinburgh, EH11 4NP
- Charles Thorburn, 15 Sighthill Terrace, Edinburgh, EH11 4PQ
- Gregor McMurtrie, 55 Riccarton, Mains Road, Currie, Edinburgh, EH14 5NF

Road Safety

- Would affect usage of the driveway for pedestrians due to vehicles such as lorries, delivery vans and additional traffic using it. There is no room for pedestrians with fishing equipment and lorries at the same time on the drive.
- The existing access was only ever intended for use for one dwelling house and pedestrian access for fishermen to the River Spey.
- Snow and frost will cause the drive to be more dangerous for heavier and bigger vehicles. The single lane track is not suitable for use by larger vehicles on a regular basis. The surface will deteriorate very fast if heavy vehicles were to use it on anything more than an occasional basis. An inequitable situation will inevitably arise regarding maintenance if the access is to be shared equally.
- The vehicular access, especially for articulated vehicles is inadequate and represents a very real and significant danger.
- Access to the proposed site is dangerous and contravenes The Councils own Local Plan 2000 under policy L/T4.
- Insufficient turning space for the safe manoeuvring of lorries and delivery vehicles within the proposed site, which also contravenes the Moray Local Plan policy L/T4.

Noise pollution

- Proposal would cause general disturbance with regards to noise pollution and spoil enjoyment of the countryside.
- Noise pollution is the single biggest factor in this proposal. The proposed development would have a serious effect on the serenity of the area by discouraging visitors and tourists

to this attractive spot along with the wildlife in general. It would invade privacy and deter people from making full use of the surrounding environment.

- The companies existing site in Craigellachie creates continuous noise pollution from the machinery, radio and vehicles.

Light pollution

- Proposal would cause general disturbance with regards to light pollution and spoil enjoyment of the countryside.
- Privacy of the neighbouring dwelling house would be invaded as light pollution in a rural situation is an unnecessary and distracting element and causes undue stress and annoyance for those around it. It is likely to affect the fishermen in the enjoyment of their sport.

Water pollution

- The possibility of water outflow and seepage puts an additional burden on the responsibilities as the nearest landowner. When flooding occurs this development will add to pollution in the surrounding area. During heavy rains the land contamination issues may add further problems to neighbouring grounds.

Land Contamination

- The land contamination issues will affect the future development of neighbours and it will make the site much harder to clean up at a future date. It may even condemn the site for continual industrial use and that will affect future generations.

Litter

- The proposed development could create litter, which could blow into the neighbouring field and river.

Area of Great Landscape Value

- The site is in an Area of Great Landscape Value.

Surroundings

- The proposed development is surrounded by part farm and residential usage and an engineering works would not fit in with the original intentions of the grounds. It would be an eyesore and a severe blot on the attractive surroundings. The proposed site and building do not blend in with the residential status and the local plan ethos nor do they enhance the surrounding landscape. It will infringe on the edicts of the SSSI and SAC directives.

Wildlife

- The proposed development would be detrimental to encouraging nesting and breeding birds and animals (including some rare and protected species) to the area and would ruin an existing eco-system, which has built up over the years.

Environmental Issues

- The proposal is likely to affect the quality of life of the local community. The development is unsuited to the area and it undermines the value of the existing surrounding areas.

Change of use required

- The upgrading of the rural site to heavy industry seems contrary to the nature of the site and presents a significant change of use.

Fishing

- Fishermen would no longer come to the area therefore the local pubs, shops and B&Bs would lose out on their business.

Tourism

- Tourists, canoeists and campers for the site nearby and the nearby Fiddichside Inn would all be adversely affected by the proposal.

Applicant's Response: The site referred to is set aside for commercial use, which this proposal as a light engineering workshop fulfils. The proposed extension is completely within the boundaries of the existing site, which will afford the necessary space for expansion of the company, required car parking and lorry access/loading facilities. The site is tucked in behind a high landscaped embankment on the west and the south sides with a hedge over 2.0 metres high on the east alongside the access road. The north is open but the existing industrial shed has no openings on that face. The site is set back off the road and is discretely placed to avoid it being obtrusive in the local landscape. The River Spey to the north is over 500 metres away and the River Fiddoch to the east is over 750 metres distant. This proposal will not affect the parkland setting with grazing sheep and meandering river.

Road Safety

Site traffic will incorporate mainly the daily workers vehicles, which will be parked within the confines of the site. Materials will be delivered and removed by lorry whose movement and turning will be restricted to on site manoeuvres. Lorry access and departures are generally two/three times a week depending on output of manufactured goods. A site plan is enclosed indicating the relative spaces around the building. The applicant is quite prepared under to help in the cost of improving the access.

Noise Pollution

There is an undertaking of an acoustic survey of the existing and proposed premises. This will be carried out by a recognised engineer on the Moray Council list of professionals. The results of the survey and controls will be put into place by my client who is very aware of noise pollution. The Moray Council has visited the site after the initial complaint have not instructed any remedial measures to my client. The incident was a few years ago in 2000. With regards to the Speyside Way, there are several locations whereby the path comes alongside distilleries and other works with no apparent problems either visually or from noise. The comment with regards to visitors to Whiskey festivals is irrelevant, as this proposal would not in any way deter visitors. It may actually encourage further visitors come further workers, visitor's etc.

Light Pollution

External lighting would only be within the front access area and would be put off when the building is closed. There will not be 24 hour floodlighting to any part of the proposal. It is proposed to install camera detection rather than floodlighting during hours of darkness.

Water Pollution

Foul drainage will be dealt with as part of the building warrant permission along with SEPA's requirements, which will negate any pollution or seepage from this source.

Land Contamination

The proposed machinery use water for cooling purposes and is recycled within the workshop. There is no pollution from the machines themselves, which use a mix of water and oil for lubrication purposes, and is sealed within each unit. The machines are lathes for metal tooling

and any unused residue is kept in storage units and is taken from the site and disposed off under regulations. The former owner is being contacted regarding previous usages. It must be assumed that the Moray Council was fully aware of the former business and chemical usages.

Litter

There will not be a problem on this site as litterbins will be provided throughout for staff use.

Environmental Issues

The proposal will affect neighbouring properties visually and steps will be taken to keep this to a minimum. The applicant and his staff understand the needs of the local area and community life.

Wildlife and Birds

The proposed development when being constructed may affect local wildlife like any other development. The time scale for construction works will be short and if affected would be short term whereupon the natural cycle would continue and not prohibit the local wildlife or migratory birds.

Comment:

Road Safety

The Scottish Government Development Division and the Transportation Manager have both recommended refusal of the application in terms of road safety issues.

Noise Pollution

Environmental Health received a Noise Impact Assessment and stated that they have no objections subject to a condition.

Light Pollution

The applicant states that external lighting would only be to the front of the building and it would be switched off when the building is closed therefore this is not a significant issue.

Water Pollution

If the application were approved then it would have to comply with Building Standards and SEPA's regulations.

Land Contamination

The applicant has stated that the machinery that they use does not create pollution. Points raised in this matter are speculation.

Litter

The applicant has stated that bins will be provided.

Area of Great Landscape Value and surroundings

The site is in an Area of Great Landscape Value, however the extension is well designed and sited. It is also well screened from the road therefore is not a departure from this policy.

Wildlife

If the application was approved SNH have given conditions and informatives that would help to safeguard wildlife and its habitat.

Environmental Issues

This is speculation.

Change of use required

The applicant sought advice on whether a change of use was required in March 2007. They were advised that a change from class 5 (the current use) to class 6 is permitted development under the Town and Country Planning (Use classes) Order 1997 and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

Fishing and Tourism

This is speculation.

CONSULTATIONS

Environmental Health Manager, Development Services - No objection subject to condition.

Trunk Roads - Object - Refuse.

Transportation Manager, Direct Services - Object - Refuse

Scottish Natural Heritage - No objection subject to conditions and informatives.

SEPA - Object - Refuse.

Contaminated Land, Development Services - No objection subject to informative.

Scottish Water - No objection.

Environmental Protection Manager, Direct Services - No objection.