

**PLANNING APPLICATION: 10/00305/APP –  
10/00312/APP & 10/00439/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*

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**The Proposal**

- This report refers to a series of nine applications, all to provide a total of 31 new warehouses as a result of snow damage to the existing bonded warehouses during the recent severe winter.
- The proposals involve the complete rebuild of each existing warehouse, with each individual application relating to 2, 3 or 4 units. The entire new structure would be built with the existing damaged structure left in situ until when complete, the original structure would be removed. The replacement structure would be built 2m out from the walls of the existing structure all round, with the new roof being situated immediately over the existing roof, approx. 0.25m higher (to ridge).

**The Site**

- Existing bonded warehouse complex at Mulben.

**Policy / Objections-Representations / Consultations - See Appendix**

**History**

None.

**Advertisement**

None.

**Observations**

**Determining Issues**

**Principle of Proposed Development and Impact in Relation to Surrounding Area (ED8 and IMP1)**

The existing units are an established feature in the landscape at Mulben. Measuring some 38m x 65m the bonded warehouses are large structures. Individually and collectively, the proposed increase of 2m all round each side of the building (which is the least necessary in order to effect the reconstruction) and the raising of the roof by approx. 0.25 m would create no material difference in visual impact.

Following consideration, consultees have recommended conditions in the interests of pollution prevention and traffic/road safety.

**Recommendation**

Approval

**Note:**

**Temporary Construction Compound**

On the opposite side of the road to the entrance to the existing complex there will be a temporary contractors compound for the duration of the works, approx. 100 x 100m for cabins/offices, parking and material storage. The compound is not included within the site boundary for each application. This temporary use will be "permitted development" when carried out in conjunction with development that has been granted permission. Given the proposed recommendation, the compound has not been considered in relation to the current application. The extent of the permitted development would not apply to the formation of any new or alteration of any existing access onto the public road, hence conditions regarding the access to the compound are included.

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## **APPENDIX**

### **POLICY**

#### **Moray Structure Plan 2007 and/or Moray Local Plan 2008**

##### **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.

##### **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.

### **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.

### **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.

### **EP10: Foul Drainage**

All development within or close to settlements (as defined in the Local Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed that investment to address this constraint has been specifically allocated within its current Quality and Standards Investment programme and the following requirements apply:

- i. systems shall not have an adverse impact on the water environment;

- ii. systems must be designed and built to a standard which will allow adoption by Scottish Water;
- iii. systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Plan) of less than 2,000 population equivalent will require to connect to the public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include the size and dispersal of the settlement, the size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the general area. Consultation with SEPA will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Technical Handbooks (which set out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

### **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 all developments that are likely to have significant environmental affects under the terms of the EA regulations.
- b. a Transport Assessment (TA) is required for developments that raise significant transport implications such as additional peak hour traffic, traffic late at night in a residential area or road safety concerns. The indicative thresholds contained in the related guidance to SPP17 will be used. However it should be noted that Transport Assessments could be required no matter the size of the site. Moray Council will develop its own thresholds and promote these through Supplementary Guidance which will be subject to stakeholder consultation before adoption. Moray Council's Roads Service can assist in providing a screening opinion on whether a Transport Assessment will be sought.
- c. a full Retail Impact Assessment (RIA) will be required for all retail proposals of 1000 square metres gross or more outwith designated Town Centres. For smaller developments the Council may require a retail statement to be prepared by the applicant.
- d. where appropriate, applicants will be asked to carry out other assessments e.g. noise; air quality; flood risk; badger or bat surveys to confirm the compatibility of the development proposal.

## **ED8: Rural Business Proposals**

New business developments, or extensions to existing industrial/economic activities in the countryside will be permitted if they meet the following criteria:

- a. careful control over siting, design, landscape and visual impact, and emissions. In view of the rural location, industrial estate/urban designs may not be appropriate,
- b. a locational justification for the site concerned if serviced industrial land is available nearby,
- c. the capacity of the local infrastructure to accommodate the proposals,
- d. environmental considerations, including the impact upon natural and built heritage designations, with appropriate protection for the natural environment; the use of enhanced opportunities for natural heritage integration into adjoining land, and
- e. the location of the development close to populated rural areas where appropriate.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business-premises will be encouraged, provided access and parking arrangements are acceptable. Where noise emission or any other aspect is considered to be incompatible with surrounding uses, there will be a presumption to refuse.

## **E1: Natura 2000 Sites and National Nature Conservation Sites**

### Natura 2000 Designations

Development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where: -

- a. there are no alternative solutions; and
- b. there are imperative reasons of over-riding public interest. These can be of a social or economic nature, except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for over-riding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

### National Designations

Development proposals which will adversely affect Sites of Special Scientific Interest (SSSI's) or National Nature Reserves will be refused unless the developer proves that:

- a. the objectives of designation and overall integrity of the site will not be compromised, or
- b. any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance

## **OBJECTIONS-REPRESENTATIONS**

None.

## **CONSULTATIONS**

**Transportation Manager, Direct Services** - No objection subject to conditions. As replacement warehouses, once completed, there will be no additional traffic movement but during construction there will be a significant increase in heavy goods vehicle delivering construction materials, hence conditions recommended to manage construction traffic.

**SEPA** - No objections subject to a condition on pollution control measures i.e. an Environmental Management Plan.

**Environmental Health Manager, Development Services** - Approve unconditionally.

**SNH** - No objection. Including no likely significant impact on River Spey Special Area of Conservation.

**Scottish Water** - No objection.

**Contaminated Land, Development Services** - No objection.

**Health & Safety Executive** – No objections

**Developer Contributions** – None identified.