

PLANNING APPLICATION: 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

The Proposal

- This report refers to a proposal to erect two 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. 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 Alexandra Road, Keith.

Policy / Objections-Representations / Consultations - See Appendix

History

None.

Advertisement

None.

Observations

Determining Issues

Principle of Proposed Development and Impact in Relation to Surrounding Area (I8, EP7 and IMP1)

The existing units are an established feature in the landscape at Alexandra Road, Keith. Measuring approx. 34m x 62m 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. Although the site is liable to flooding there are no objections on flood risk grounds.

Recommendation

Approval

Author/Contact Officer: Maurice Booth
Planning Officer

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A handwritten signature in black ink that reads "Stewart Halkett". The signature is written in a cursive, flowing style.

STEWART HALKETT
HEAD OF DEVELOPMENT SERVICES

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

I8 Burn of Haughs Bonded Warehouse

Chivas Brothers warehousing adjacent to the railway. A detailed Flood Risk Assessment will be required for any planning application that is submitted for this site.

EP7: Control of Development in Flood Risk Areas

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 be satisfactory to both SEPA and the Council is provided by the applicant. The assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. 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. 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 into account the degree of flooding as detailed in National Guidance;

- a. in areas of little or 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. However, these areas will generally not be suitable for essential civil infrastructure such as hospitals, fire stations, emergency depots etc. Where such infrastructure has to be located in these areas or is being substantially extended, they must be capable of remaining operational and accessible during extreme flooding events.
- c. in areas of medium to high risk (0.5% or above)
 - i. in built up areas most development may be acceptable if flood prevention measures exist, are under construction, or are planned.
 - ii. essential civil infrastructure will generally not be permitted.
 - iii. undeveloped and sparsely developed areas are generally not suitable for additional development. Exceptions may arise if a location is essential for operational reasons.

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.

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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.

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. Condition recommended regarding SUDS. Building at risk of flooding and as replacement buildings, no additional loss of flood storage or adverse effect elsewhere, hence no objection on grounds of flood risk.

Environmental Health Manager, Development Services - Approve unconditionally.

Scottish Water - No objection.

Contaminated Land, Development Services - No objection.

Health & Safety Executive - No objections

Developer Contributions - None identified.