

PLANNING APPLICATION: 08/00163/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

Introduction

- The proposal has been submitted in order to overcome the Council's previous concerns cited in relation to an Agricultural Prior Notification (07/02537/AGR) for the same building on nearby ground to the north. See history for details.

The Proposal

- The proposal is to erect a new agricultural general-purpose building. The building has a floor space of approx. 420m² with a height of 12 metres. The external cladding is green colour coated steel sheeting with grey colour coated steel sheeting for the roofing.
- A supporting case has been submitted which confirms that the building is required as part of the expansion of the applicants' arable farming operation and will be used for inside storage space to house combine harvesters, grain trailers and to securely store grain prior to exportation. The building is required to be 12 metres in height due to the grain trailers tipping height being 10 metres.

The Site

- Extensive square site approximately 8925m² located at Troves Industrial Estate, Elgin.
- Access to the site is from the existing access track to Troves Industrial Estate.
- The site is within the CAT (Countryside Around Towns) area for Elgin.
- There are nearby industrial buildings of different sizes.

Policy / Objections-Representations / Consultations - See Appendix

History

- 03/00328/AGR -** Proposal to erect a general-purpose agricultural shed at Troves Industrial Estate, Elgin on a site adjacent to the current application site. Agreed under the Agricultural Prior Notification procedure under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, March 2003. This submission has been implemented.
- 06/02814/AGR -** Proposal to erect a general-purpose agricultural shed at Troves Industrial Estate, Elgin. Agreed under the Agricultural Prior Notification procedure under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, January 2007. The application site currently under consideration forms the majority of this previous site. This proposal has not been implemented.

07/02537/AGR -

Proposal to erect a general-purpose agricultural shed at Troves Industrial Estate, Elgin, on ground approx. 100m to the north west of the current application site. It was submitted in November 2007 under the Agricultural Prior Notification procedure under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. The Council's response confirmed the requirement for a formal resubmission but discouraged using this site because of its significant impact upon its surroundings by reason of its height, skyline location and dispersed position. This response suggested that the building be re-positioned alongside one of the previously agreed agricultural buildings or on another site with natural enclosure.

Advertisement

Advertised as a departure from the Moray development plan.

Observations

The main planning issues are:

Impact of an Agricultural General-Purpose Building on the Surrounding Area and CAT (Adopted Moray Local Plan 2000 policy L/ENV11 Countryside Around Towns Emerging Moray Local Plan 2008 policy E10 Countryside Around Towns)

The proposal has been advertised as a departure from policy L/ENV11 due to being sited within the Elgin Countryside Around Town (CAT) area. Policy L/ENV11 states that there is presumption against development within the CAT areas unless it involves the rehabilitation, conversion, limited extension or change of use of existing building. The current proposal is to erect an agricultural general-purpose building, which is not one of the exemptions to the presumption against development within the CAT designations. However, for the reasons below the proposal can be regarded as an acceptable departure to policy. The reasons are as follows: -

- Policy E10 within the Emerging Local Plan states that development proposals within the CAT will be refused unless it is necessary for the purposes of agriculture, forestry, low intensity recreational use or specifically allowed under the terms of other local plan policies within these areas. This policy is now a material consideration and the current proposals for an agricultural general-purpose building complies with the criteria within the policy. The proposal is not considered to have an adverse effect on the special character of the CAT and would preserve distinction with the built up environment.
- The principle of an agricultural building on this site has already been established with the approval of an agricultural general-purpose shed (Agricultural Prior Notification 06/02814/AGR) in January 2007. The proposed building although marginally taller than the previously agreed building is positioned within the corner of a field, benefiting from a backdrop when viewed from the public road would relate satisfactorily to its rural surroundings. As such it would represent an appropriate form of development in the countryside.

Author/Contact Officer: Emma Clarke
Planning Officer

Ext: 01343 563193

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/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/T4: Provision of Road Access

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

Policy L/ENV11: Countryside Around Towns (CAT)

There is a presumption against development within the CAT areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth, unless it involves the rehabilitation, conversion, limited extension or change of use of existing buildings.

New business enterprises, unless directly related to low intensity recreational uses or specifically allowed under the terms of other Local Plan policies within these areas (e.g. for mineral extraction), will not normally be appropriate.

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.

Policy E10: Countryside Around Towns

Development proposals within the Countryside Around Towns (CATs) areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth will be refused unless it:

- a. involves the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings, or
- b. is necessary for the purposes of agriculture, forestry, low intensity recreational use or specifically allowed under the terms of other Local Plan policies within these areas, or
- c. is a designated "LONG" term housing allocation, released for development under the terms of policy H2.

OBJECTIONS-REPRESENTATIONS

One letter of objection was received.

- Marcus Salter, Genesis Properties, Unit 2 Troves Industrial Estate, Elgin, Moray, IV30 8RB

Objection summarised as follows: -

- The application is for an agricultural general-purpose building at Troves Farm, where I am a tenant in one of the existing industrial units. Whilst I have no objection to buildings being built for agricultural use, I do not understand why Mr Strathdee needs yet another building to be erected on his land and do not believe that it is Mr Strathdee's intention to use the proposed building for agricultural purposes. Planning was previously granted for a similar property, which I believe is not being used for agricultural purposes.

Applicant's Response: The reason for applying for a new shed is for an additional farm building for storing grain, the height we need is for tipping trailers so as to not go through the roof with the machinery. The new farm building that Mr Salter is referring to is a general-purpose farming shed and farm workshop. It is being used for farming purposes including the storage of fencing materials, water pipes, seed, fertiliser, tree planting equipment for extensive forestry work and also has a farm workshop for maintenance of my 36 farms throughout Moray, the Highlands and Aberdeenshire.

Comment: See observations above.

CONSULTATIONS

Environmental Health Manager, Development Services - Approve unconditionally.

Contaminated Land, Development Services - Approve with informative.

Transportation Manager, Direct Services - Approve unconditionally.

Building Standards Manager, Development Services - A Building Warrant is required.

Environmental Protection Manager, Direct Services - Approved unconditionally.