23/00314/APP 27th February 2023 Erect cooperage including office staff facilities storage yard and associated works on Land Adjacent To Kynoch Park Keith Moray for Isla Cooperage

Comments:

- The application is reported to the committee as the application raises matters of wider community interest.
- The application was advertised for neighbour notification.
- Two representations have been received.

Procedure:

None.

Recommendation: Refuse - For the Following Reason(s):-

- 1. The proposal is contrary to National Planning Framework 4 policy 18 (a & b) Moray Local Development Plan Policy 2020 Policies Keith I2 and I4 PP3 (a)(iii), and DP5 as it fails to provide for a future connect to the Keith I11 and Keith LONG2 sites and would prejudice the future development of the I11 and LONG2 sites and restrict the future employment land supply in Keith.
- 2. The proposal is contrary to National Planning Framework 4 policy 18 (a & b) and Moray Local Development Plan Policy 2020 Policies Keith I2 and I4 PP3 (a (iii)), and DP5 as it fails to provide for a future connect to the Keith I11 and Keith LONG2 sites and as such would which would compromise the future vehicular infrastructure to the detriment of road safety in the area.
- 3. The proposal is contrary to National Planning Framework 4 policies 1 and 2 as the application has failed to provide sufficient information to demonstrate that adequate steps have been taken to address the nature and climate crises or that the development has been sited and designed to minimise lifecycle greenhouse gas emissions and to adapt to current and future risks from climate change.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
ICK-2305-LS	Landscaping plan
2845-LP	Location plan
2845-023 C	Site sections
8694-22 F	Drainage layout
2845-021 C	Elevations and sections
2845-020 D	Floor plan
2845-022 F	Site plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number: 23/00314/APP

Site Address: Land Adjacent T

Land Adjacent To Kynoch Park

Keith

Applicant Name:

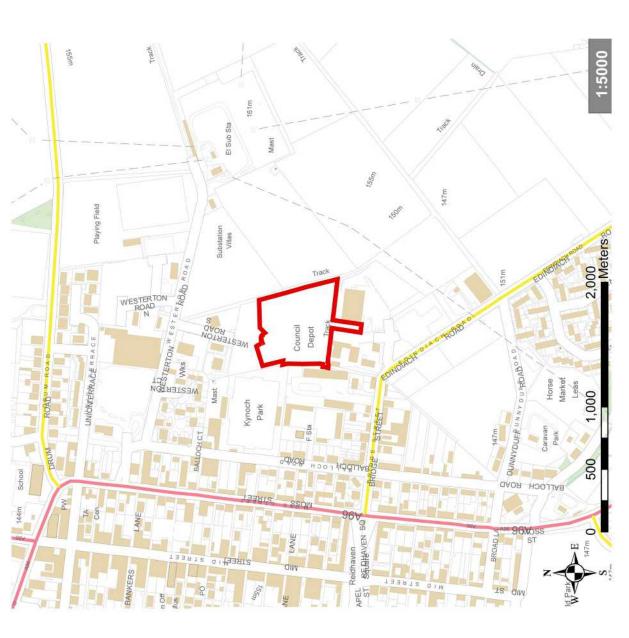
Isla Cooperage

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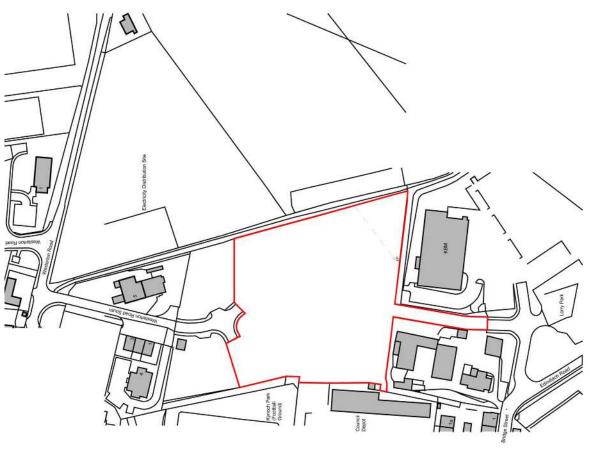
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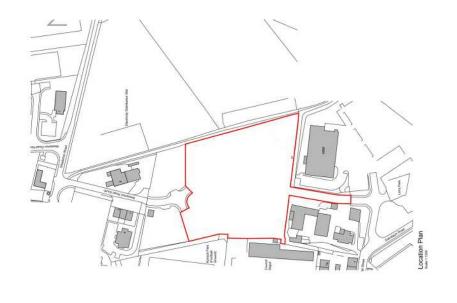
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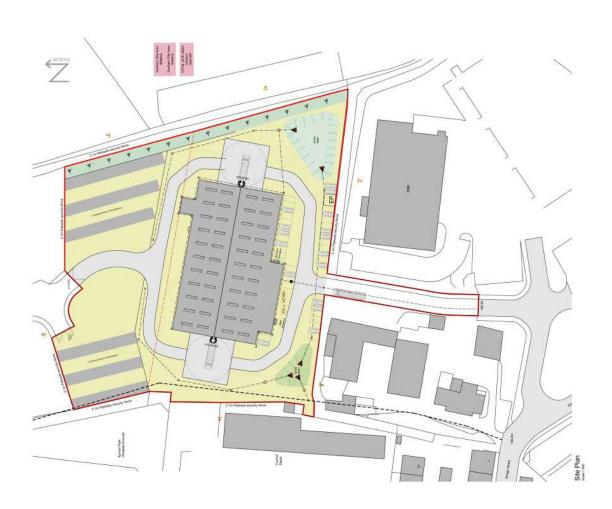
Location Plan

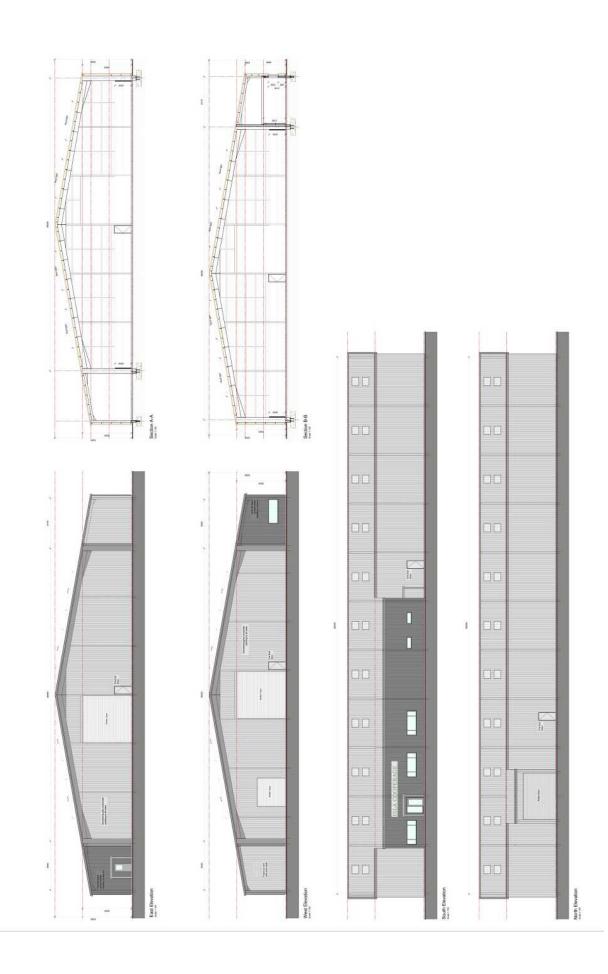


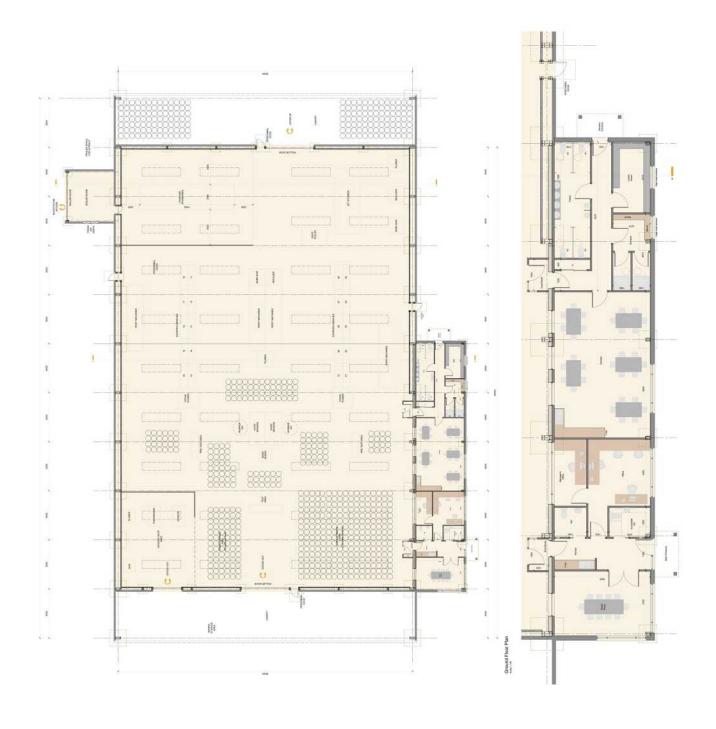












Landscape plan





PLANNING APPLICATION: 23/00314/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

1. THE PROPOSAL

- The application seeks planning permission for a new cooperage.
- The proposals consist of a building which would house a workshop, office space and welfare facilities along with a storage area, an internal loop road, drainage and parking.
- The proposed building has a footprint of 2376m² and is 9.395m to the ridge. It has a simple rectangular footprint with lean-to projections on the north and south elevations. The walls will be clad in grey corrugated metal with projection on the southern elevation finished in charred timber. The roof will be covered in grey corrugated sheeting.
- The site will be enclosed by 2.1m high palisade fencing. Landscaping is proposed around the outside of the compound.
- Hedging is proposed on the eastern boundary and part of the western boundary.
- The application is supported by a Planning Statement, Transport Statement, Phase I ecological Survey, Drainage Statement, Noise Impact Assessment (NIA) and Visualisations.

2. THE SITE

- The site is vacant industrial land in Keith.
- The site is composed of part of the Keith I2 and Keith I4 industrial designations as identified in the MLDP 2020 (see appendix 1).
- The currently undeveloped I11 and Long 2 designations are immediately to the east.
- The established Westerton Road Industrial Estate is to the north.
- There are commercial and agricultural buildings immediately to the south.
- Kynoch Park football ground and a Council depot are to the west.
- The nearest houses are to the south west on Bridge Street and are approximately 70m away from the application site boundary.
- Two accesses to the site are proposed. The principal access will be from the south via Edindiach Road and will run between the agricultural buildings and Keith Builders Merchants. A second access is proposed from the north via Westerton Road South. The application states that this would generally be locked and used only for maintenance.

3. HISTORY

13/00056/APP – Road extension to existing road with footpaths drainage lighting and hammerhead at Westerton Road South, Keith granted 16/04/13.

4. POLICIES

Sustainable Places

- 1 Tackling the climate and nature crises
- 2 Climate mitigation and adaption
- 3 Biodiversity
- 4 Natural places
- 5 Soils
- 12 Zero waste
- 13 Sustainable transport

Liveable Places

- 14 Design, quality and place
- 18 Infrastructure First
- 22 Flood risk and water management
- 23 Health and safety

Productive Places

26 - Business and industry

Moray Local Development Plan 2020 Primary Policies

- PP1 Placemaking
- PP2 Sustainable Economic Growth
- PP3 Infrastructure and Services

MLDP 2020

- PP1 Placemaking
- PP2 Sustainable Economic Growth
- PP3 Infrastructure and Services
- DP1 Development Principles
- DP5 Business and Industry
- EP1 Natural Heritage Designations
- EP2 Biodiversity
- EP12 Management and Enhancement of the Water Environment
- EP13 Foul Drainage
- EP14 Pollution, Contamination and Hazards

Keith I2 Westerton Road South Industrial Estate

Keith I4 Bridge Street Industrial Estate

5. ADVERTISEMENTS

5.1 Advertised for Neighbour Notification.

6. CONSULTATIONS

Keith Community Council - No response.

Strategic Planning & Development - Objection:

- The use is acceptable in principle.
- The proposed layout fails to include the required road links to adjacent industrial designations and give rise to road safety and amenity concerns contrary to NPF4 Policy 13 and MLDP Keith I2 & I4 and Policies PP3 (a) (iii), DP1 (ii) & DP5 (a).
- The layout provides limited low impact landscaping across the site contrary to NPF4 Policy 14 and MLDP Policies PP1 & DP1.
- Subject to a condition requiring the submission of a Community Wealth Building Strategy, the proposal complies with NPF5 Policy 25.
- Insufficient information has been provide to demonstrate how the proposed development minimises emissions or supports adaptation to climate change, contrary to NPF4 Policies 1 and 2.

Moray Flood Risk Management - No objection.

Moray Access Manager - No objection.

Estates - No objection.

Environmental Health - No objection subject to conditions relating to construction working hours, the provision of a Construction Environmental Management Plan (CEMP), operational working hours and noise.

Contaminated Land - No objection.

Transportation - Objection:

- The MLDP provided a strategic approach to accessing the site. The loss
 of the ability to connect the adjacent designations undermines this
 approach and results in more traffic from the overall development
 approaching from Balloch Road, with no other connectivity from Edindiach
 Road/Bridge Street.
- The proposed site layout permanently removes the opportunity to provide a future through route from Bridge Street to Westerton Road and removes the opportunity to provide connections to nearby vacant sites.
- If permitted, would therefore be likely to the detrimental to road safety and unacceptable adverse impact on the amenity of the area contrary to NPF4 policy 18 and MLDP policy PP3.

Scottish Water - No objection.

7. 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).

Mr Richard Ramsey - Balloch Road Keith AB55 5JY - O Mr Brent A Bowie - Sandyknowe Lumsden AB54 4JH - O

Issue: Impact of traffic on residential streets and routes to school.

Response (PO): The proposed development has an access from the south via Bridge Street and a secondary access from the north via Westerton Road South. The supporting information states that the access from the north would only be used on an occasional basis for maintenance thus minimising the impact on residential streets providing access to the north. However, if this development went ahead it would prevent the formation an access to the adjoining designations (Keith I11 and Keith Long 2) to the east of the application site to provide access via Bridge Street. The potential increase of traffic using adjoining residential streets is a concern and for that reason it is imperative to maintain the option of forming an access to other industrial sites to the east via Bridge Street to avoid traffic heading north on residential streets.

Issue: This site is not suitable for industrial use as there will be an adverse impact on houses.

Response (PO): The application site consists of part of the Keith I2 and Keith I4 sites which are identified for industrial use in the MLDP 2020.

Issue: Houses will turn black.

Response (PO): The agent has stated that the development is sufficiently separated from houses to prevent this. Houses becoming blackened is associated with whisky maturation (and ethanol evaporation) rather than barrel production.

Issue: Impact on adjoining farm animals.

Response (PO): The land to the north and west is developed and not suitable for agricultural use. The land the east is identified in the MLDP as Keith I11 and Long 2 designations in the MLDP 2020.

Issue: There are other, more suitable sites that should be considered. **Response (PO):** The proposal must be considered upon it merits, in the location sought by the applicant.

Issue: Drainage issues due to the ground conditions.

Response (PO): A drainage impact assessment has been provided and Moray Flood Risk Management (MFRM) have no objection.

8. OBSERVATIONS

8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

Principle of Development & Access (NPF4 Policy 13 & 26 MLDP Policies Keith I2 & I4 PP3, DP1 & DP5)

- The application site is composed of part of the Keith I2 and I4 designations as identified in the MLDP Keith Settlement Statement. NPF4 policy 26 states that development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported. MLDP policy DP5 elaborates on this stating that proposals on allocated sites must comply with policy DP1 and all the requirements of the settlement text and confirming that industrial sites are reserved for uses falling within class 4 (Business), 5 (general Industrial) and 6 (storage and distribution) of the Use Class Order. The proposal is for a traditional industrial use and is therefore suitably located on a site reserved for industrial and commercial uses.
- 8.3 The designation text for the I2 designation requires proposals to allow for a future connection to the nearby industrial I3 and I11 designations to the east while the I4 designation also requires to be connected to I11 along with Long 2 to the south east of the application site. A connection between I2 and I4 is also required. NF4 policy 18 (a) requires development to provide (or contribute to) infrastructure in line with that identified as necessary in the LDP while 18 (b) states that development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. MLDP policy PP3 requires mitigation to the existing transport network to address the impact of the proposed development in terms of safety and efficiency.
- 8.4 The proposed layout provides for a connection between I2 & I4 but does not allow any potential connection to the east. The I3 designation has been built out as an energy management facility therefore no connection is sought to this site. A single connection to the east to provide a potential route to both the I11 and Long 2 designations would be sufficient to meet the terms of the policies. The requirement is for provision to be made for a future connection in the form of a safeguarded corridor or similar. There is no requirement for the current developer to provide that connection themselves, but they should leave land free within the site to accommodate the future connection necessary. The current road layout consists of accesses from the north and south with a loop road around proposed building which is located in the southern portion of the site. One of two proposed SUDS basins is shown in the south eastern corner of the site and the landscape plan shows wildlife hedging along the eastern boundary. This layout prevents the possibility of a future connection to the east and is therefore contrary to the Keith I2 & I4 policies and MLDP policy DP5 and NPF4 policy 18. The applicant has suggested an alternative route coming off Edindiach Road on land between Keith Builders Merchants and L&I Eaton. However, this third party land is constrained by the presence of an underground

electricity cable. If it was on Council land or within the public road moving the cable as the developer suggests may be viable but this is private land and the utilities are protected by a legal agreement. There is no guarantee that such an access could be provided, where third party permission would be required.

8.5 The MLDP seeks to take a strategic approach to access across all the industrial designations in this area which reflects the fact that Balloch Road which provides the connection to Westerton Road to the north is constrained. Balloch Road has houses fronting directly onto the road and is subject to significant onstreet parking on both sides of the street which can obstruct traffic movements. The lack of a connection to the east to avoid any additional burden on Balloch Road raises significant concerns in terms of road impacts and the Transportation Manager objects on that basis. The failure to provide adequate connection to the I11 and LONG2 designations would potentially give rise to restrictive and potentially unsafe road conditions by bringing more traffic onto Balloch Road. The MLDP seeks to ensure a connecting route from Bridge Street to Westerton Road for HGVs and other traffic associated with the industrial uses to avoid this. The I11 designation text highlights that access via Westerton Road is unlikely and recommends access from the west. The LONG2 also states that access must be provided via the I11 and I4/I5 sites. The connection to the east is required to ensure that the I11 and Long 2 sites remain available for a wide range of industrial and commercial uses. Access to these sites from the north via Balloch Road and Westerton Road is possible but as is noted above that route is constrained. The 2023 Employment Land Audit which was reported to committee in August found that the supply of general industrial land in Keith is more limited than in Buckie or Elgin and identified the LONG2 as one that could be drawn on in the event of a shortage. The I11 and LONG2 sites were included in the MLDP to ensure a healthy supply of employment land in Keith for the coming years. The access requirements proposed on the individual designations seek to take a strategic approach to access across all the sites. The current proposal undermines this. While the current proposal would not completely prevent development of the I11 or LONG2 sites it would significantly constrain the future access options to these sites thus reducing the range of employment land available in Keith. The proposals are therefore contrary to NPF4 policy 18 and MLDP policies Keith I2 and I4 and DP5. In giving rise to conditions that are potentially detrimental to road safety the proposal is also contrary to MLDP policies PP3 (a).

Economic Development NPF4 Policy 26 and MLDP PP2 and DP5

Policy 26 Business and Industry, PP2 Sustainable Economic Development and DP5 Business and Industry all support economic development within designated sites. Material weight is attached to the importance of supporting this local business, given is linkages with wider economy of Moray. However, this does not outweigh the significant concerns surrounding the lack of connections proposed with this development. This support must go hand in hand with ensuring that sites are appropriately accessed and do not comprise or limit wider economic growth set out in the Moray Economic Strategy, which seeks to ensure all industrial sites reach their potential.

Climate Change and Sustainability (NPF4 Policies 1 & 2)

8.7 NPF4 policy 1 requires that significant weight is given to the global climate and energy crises in the assessment of all planning applications. NPF4 policy 2 requires development to be sited and designed to minimise lifecycle greenhouse gas emissions as far possible and to be designed to adapt to current and future risks from climate change. The Council has produced quidance on complying with policy 2 which for developments such as this which have a floor area in excess of 1000m². The guidance requires the submission of an overview of the key carbon and climate considerations for the proposal, whole life carbon assessment, carbon management and reporting plan, carbon sequestration statement, renewable energy statement and barriers to net zero statement. The guidance came into force on 1 July which was after this application was validated however the application would always have been assessed against NPF4 policies 1 and 2 which were active parts of the development plan at the time the application was submitted. The Planning Statement submitted in support of the application addresses policies 1 and 2 in general terms highlighting that the building will be more energy efficient and have better low carbon credentials than the existing site and the site is in an accessible location. However, no details have been provided and the statement suggests further information could be provided by condition. The consideration of the climate and nature crisis and climate mitigation and adaptation must be integral to the design process. The information provided is generic and does not provide any indication of high level actions that might be taken to address the policies. The information provided to date does not provide sufficient confidence that the policy objectives will be achieved and the proposals are therefore contrary to NPF4 policies 1 and 2 and as such the application is recommended for refusal.

Design and Materials (NPF4 Policy 14 & MLDP DP1)

- 8.8 NPF4 policy 14 requires all development to be designed to improve the quality of an area, and to be consistent with the 6 qualities of successful places.

 MLDP policy DP1 requires the scale, density and character of all development to be appropriate to the surrounding area and create a sense of place.
- 8.9 The cooperage building is large structure that is shown on the southern part of the site. This would house the workshop along with office and welfare facilities for staff. The building has a footprint of 2376m² and would stand 9.395m at its highest point. It has a simple rectangular footprint with lean-to projections on the north and south elevations. The smaller projection on the north would house a boiler while the offices and staff facilities would form the entrance on the southern elevation. The walls will be clad in grey corrugated metal with projection on the southern elevation finished in charred timber. The roof will be covered in grey corrugated sheeting.
- 8.10 The building is of a scale and character that is in keeping with the surrounding commercial, industrial and agricultural buildings. It is a simple and functional building but the detailing and finish add additional character and will create a strong sense of place. The design and materials are acceptable in this setting and comply with NPF4 policy 14 and MLDP policy DP1 (i)(a).

Impact on Habitats, Protected Species and Biodiversity (NPF4 Policies 3 & 4 & MLDP Policies EP1 & EP2)

- 8.11 NPF4 policy 4 states that proposals must not have an unacceptable impact on the natural environment by virtue of the type, location or scale and both NPF4 policy and MLDP policy EP1 make clear that any development that is likely to have an adverse effect on European or other protected species will only be supported where the relevant legislation is complied with and appropriate mitigation is in place. NPF4 policy 3 requires all local level development such as this to include appropriate measures to conserve, restore and enhance biodiversity. This is in line with MLDP policy EP2 which requires all development where possible to retain, protect and enhance features of biological interest.
- 8.12 A Protected Species and Phase I Habitat Survey has been submitted in support of the application. The survey found some habitats suitable for breeding birds and evidence of nesting birds in a field shelter to the south west of the site. No evidence of European species was found but it was noted that bats roosting in surrounding buildings may use the site for foraging. The report makes recommendations in relation to the timing of site clearance, procedures in the event that a nest is found during construction and the provision of bird boxes of different sizes to accommodate a range of breeding birds and bat boxes. These matters would have to be controlled by condition in order to comply with NPF4 policy 4 and MLDP policy EP1.
- 8.13 Three different types of bird boxes are proposed as part of the mitigation of the impacts on breeding birds and these will also contribute to a biodiversity on site after development. A detailed landscaping plan has been submitted which shows planting throughout the site but specifically includes wildlife hedging along the eastern boundary of the site and tree planting around the suds basins which will provide a range of foraging options. These measures are considered to be commensurate with the scale of development proposed and are appropriate to the setting. In order to comply with NPF4 policy 3 and MLDP policy EP2 the provision of the proposed biodiversity enhancements would have to be controlled by condition.

Noise (NPF4 Policy 23 & MLDP Policy EP14)

8.14 NPF4 policy 23 and MLDP policy EP14 both require development to provide an assessment of noise impacts and state that developments that give rise to unacceptable noise issues will not be supported. A Noise Impact Assessment (NIA) has been submitted in support of the application. This was amended to take account of comments from the Environmental Health Manager. Following the changes the Environmental Health Manager has no objection to the proposal subject to conditions. The recommended conditions relate to construction working hours, the provision of a Construction Environmental Management Plan (CEMP) covering noise, dust and artificial lighting, the operating hours (0800-1900 Monday – Friday and 0800-1300 on Saturdays with no Sunday working) of the development when complete, the maximum level of noise that can be produced along with the sound reduction properties of the roller doors and their operation during noise generating activities.

The seven recommended conditions would ensure that the development complied with NPF4 policy 23 and MLDP policy EP14.

Drainage (NPF4 Policy 22 & MLDP Policies EP12 & 13)

- 8.15 NPF4 policy 22 and MLDP policy EP12 requires all proposal to manage surface water sustainably via SUDS. The application is supported by a Drainage Report which provides a detailed assessment of ground conditions and justification for the proposed drainage solution. Surface water drainage will be by means of two suds basins at the south east and south west corners of the site. These will discharge to the combined sewer which will require consent from Scottish Water. MFRM have been consulted and have no objection. Provided that the drainage arrangements were provided in accordance with the submitted drainage report and plans, the proposal would accord with NPF4 policy 22 and MLDP policy 22.
- 8.16 Development will be connected to the public water supply and sewer in accordance with MLDP policy EP13.

Community Wealth Building (NPF4 Policy 25)

8.17 NPF4 policy 25 states that development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. The Council agreed guidance on Community Wealth Building for developments such as this which have a floor area in excess of 1000m². The Council did not implement policy 25 until the guidance came into force on 1 July which was after this application was validated. No information on community wealth building has been provided as part of this application and the agent has declined to provide a statement on this following the publication of the Council's community wealth building quidance. However, it is considered likely that a development of this nature would be able to comply with policy 25 due to the local job creation and the use of local supply chains. The agreed guidance requires this matter to be addressed prior to determination. In light of the fact that the application was submitted before the Council's community wealth building guidance was in place it is considered that this matter could be dealt with by condition in the event that planning permission were to be granted.

Conclusion and Recommendation

The proposed cooperage is an appropriate use for this site and the expansion of an existing local business is to be welcomed. However, the proposal fails to comply with the requirements of the Development Plan in that it fails to safeguard the required connection to the Keith I11 and LONG2 sites contrary to the Keith I2 & I4 policies, NPF4 policy 18 and MLDP policies PP3 and DP5.

The failure to provide for a future connection to Keith I11 and LONG 2 site undermines the MLDP's strategic approach to access to the industrial sites in this area and mean any traffic associated with the development of the I11 and LONG2 sites would have to use the constrained access route via Balloch Road. It would also potentially give rise to conditions that would be detrimental to road safety. Furthermore it does not address NPF4 requirements in relation to climate change and adaptation (policies 1 and 2). The proposals are contrary to the Development Plan and as such are recommended for refusal.

Author/Contact Lisa Macdonald Ext: 01343 563479

Officer: Senior Planning Officer

Beverly Smith Development Management & Building Standards Manager



Appendix 1 Site Designations

KEITH

Planning Application Reference Number:

23/00314/APP

Erect cooperage including office staff facilities storage yard and associated works on Land Adjacent To Kynoch Park Keith Moray

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