

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 4 NOVEMBER 2014

**PLANNING APPLICATION – LAND ADJACENT TO BUILDING 79G MONTROSE WORKS
COBDEN STREET MONTROSE**

Grid Ref: 372222 757210

REPORT BY THE HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No. 14/00697/EIAM for erection of new pharmaceutical manufacturing and process facility of GSK PLC on land adjacent to Building 79G, GSK, Cobden Street, Montrose. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that this application be approved for the reasons and subject to the condition(s) detailed at Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/
COPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- We have a sustainable economy with good employment opportunities
- Angus is a good place to live in, work in and visit
- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

3.1 Planning permission is sought by GSK PLC for the erection of a new pharmaceutical manufacturing and process facility on land adjacent to Building 79G, GSK, Cobden Street, Montrose.

3.2 The application site measures approximately 3000sqm and comprises an area of hardstanding located towards the south of the GSK complex off Cobden Street in Montrose. The site is surrounded by land and buildings associated with the pharmaceutical manufacturing facility. The site lies close to the southern boundary of the complex, beyond which lies a public footpath and the mouth of the River South Esk. The wider complex contains a number of tall structures including buildings 150 and 141 towards the east of the complex and building 21 towards the west.

3.3 The proposed three storey building would have a footprint of 30m x 30m (900sqm in area) and would measure 25m to the highest point of the roof. It would have a single storey lean to section on the south elevation of the building. A brick and steel cladding façade is proposed to match other buildings within the GSK complex. The building would be operated over 24hrs and would include capability to produce 1500kg of active pharmaceutical ingredients per year. The proposed building would utilise a public water supply and connect to the public drainage network.

3.4 The application has not been varied.

3.5 The application has been advertised as development which affects the setting of a listed building and the relevant time period for third party comment has expired. The Environmental Statement (ES) has been advertised and the requisite consultation bodies notified. A copy of the ES document and other supporting information is available in the members information hub.

3.6 The application requires to be determined by the Development Standards Committee because the application is 'Major' in terms of the Hierarchy of Developments.

4. RELEVANT PLANNING HISTORY

A Scoping Opinion (14/00366/EIASCO) covering the content of an Environmental Statement was issued in June 2014.

5. APPLICANT'S CASE

5.1 The applicant has submitted the following documents to support the application:-

- Pre Application Consultation (PAC) Report;
- Design Statement; and
- Environmental Statement (ES) and accompanying Non-Technical Summary

5.2 The **Environmental Statement** (ES) assess the local environmental impacts of the proposed development. It includes chapters on (1) introduction to the proposal; (2) planning policy context; (3) impacts of the proposal on the water environment; (4) noise; (5) traffic and transport; (6) air quality; (7) pollution prevention and environmental management.

The ES indicates that no significant impacts are likely in terms of traffic and transport due to the limited increase in traffic that the proposed development would generate. Equally, the limited traffic generated will not result in any significant air quality impacts, although relevant mitigation measures have been proposed to ensure that effects on air quality are minimised during construction. The ES indicates that the proposed development will not have any significant impact on the water environment and mitigation measures have been recommended to ensure this is the case. A separate noise impact assessment has been carried out and is included in Appendix 2 (Volume 3) of the ES. The assessment concludes that no significant adverse noise impacts are predicted as a result of the proposed development.

5.3 The **Design Statement** explains the building in the context of the site and wider town. It notes that the proposed building would be 25m high and indicates that this height would be comparable with Building 150 which has a ridge height of 23.5m and Building 141 which has a ridge height of 22.7m. The statement indicates that this height is required to allow the gravity fed equipment and mandatory plant/services associated with the manufacturing activities within the building.

5.4 The **Pre Application Consultation Report** explains the public consultation activity that took place prior to the submission of the planning application including a public event within the Links Hotel. It provides details of comments received from third parties and how they have been considered/taken account in the final development proposal.

6. CONSULTATIONS

6.1 **Angus Council - Flood Prevention** - No objections in respect of flooding.

6.2 **Angus Council Environmental Health** - No objections subject to conditions regulating noise levels during operation of the facility and the construction mitigation identified in the environmental statement.

6.3 **Scottish Environment Protection Agency** - No objection to the proposal in the context of flood risk and site drainage.

6.4 **Health & Safety Executive** - No objection to the proposal on safety grounds.

6.5 **Aberdeenshire Council Archaeology Service** has no objection to the proposal.

- 6.6 **Montrose Community Council** - There was no response from this consultee at the time of report preparation.
- 6.7 **Angus Council - Roads** has indicated that although some additional traffic would be generated during construction, this would generate only low volumes of trips and would not have a significant impact on the local transport network. The Roads Service has no objection to the proposal.
- 6.8 **Scottish Natural Heritage** has offered no objection to the proposal and has indicated that it is unlikely that the proposal will have a significant effect on any qualifying interests of South Esk, Moray Firth and Firth of Tay and Eden Estuary Special Areas of Conservation (SACs), and Montrose Basin Special Protection Area (SPA) and Ramsar site, either directly or indirectly. SNH has indicated that an appropriate assessment is therefore not required. Montrose Basin SPA and Ramsar site is underpinned by Montrose Basin Site of Special Scientific Interest (SSSI), which qualifies for much the same assemblage of non-breeding and breeding bird species, as well as mudflats, saltmarsh and transition saltmarsh. SNH has considered the requirements of the SSSI as part of its appraisal and does not consider the natural heritage interests will be affected by the proposal. SNH has also undertaken a Habitat Regulations appraisal of the proposal and notes that controls are proposed to prevent contaminated water from entering the River South Esk and specific procedures will be put in place to control sediment mobilisation, surface water discharges and spillages, which will be written into a Construction Environmental Management Plan. SNH comments that the ES also states the proposed development will require a variation to the existing site-wide PPC Permit. SNH therefore considers there are sufficient controls in place to be confident that there will be no significant effect on the natural heritage designations close to the site.
- 6.9 **Historic Scotland** has offered no objection to the proposal.
- 6.10 **Scottish Water** - There was no response from this consultee at the time of report preparation.

7. LETTERS OF REPRESENTATION

No letters of representation have been received in connection with the proposal.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In this case the development plan comprises: -
- TAYplan (Approved 2012)
 - Angus Local Plan Review (Adopted 2009)

The relevant policies of the development plan are reproduced at **Appendix 1**.

- 8.3 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting.
- 8.4 Policies SC16 and SC17 of the local plan seek to safeguard existing employment land sites for that function and provide in principle support for new business and industrial proposals which can be accommodated within settlements without detriment to amenity and existing infrastructure. Policy ER11 requires an assessment of noise impact and does not allow development that would result in an unacceptable level of noise. The proposed pharmaceutical manufacturing and process facility would be located at the southern part of the existing GSK complex, which is an existing industrial facility within the town located close to other commercial activities in and around Montrose Port. The ES considers impact on amenity, primarily in respect of noise emissions, traffic and transportation. The noise assessment considers the anticipated noise generated by the proposal against existing background noise levels and concludes that the proposal could be accommodated without unacceptable impacts on amenity. The noise assessment has been reviewed by the Environmental Health Service who has indicated that they have no objection to the proposal

provided that operational noise emissions from the proposed building would not exceed acceptable noise limits within adjacent noise sensitive property (including houses) and to regulate the materials used in the construction of the building (which provide sound insulation) in line with the findings of the applicant's ES.

- 8.5 In terms of traffic and transportation, it is expected that delivery of the bulk construction materials would occur over a 5 month period, with a peak of approximately 10 HGV movements per weekday during the first 2 months. Overall, during the proposed 7 month construction period, it is estimated that some 630 vehicle movements would occur at the site. The ES indicates that these additional traffic volumes are too low to have a significant impact on transport conditions in the area and consequently, no specific transport improvements are proposed as part of the development proposal. The Roads Service is satisfied that the results of the assessment provided in the ES show that the low volumes of trips likely to be generated by the proposed development would not have a significant impact on the local transport network and on that basis, no objection to the proposal is offered. The Roads Service notes that the construction of the proposed South Montrose Spine Road between Hill Street and Caledonia Street on an improved alignment would generally improve the flow of traffic through the area and access to the GSK site. Transport Scotland has offered no objection to the proposal.
- 8.6 The proposed building would be connected to the existing drainage and public water supply network. Scottish Water has not objected to the proposed drainage arrangements. Taking account of the above factors, I have no reason to consider that the proposed pharmaceutical manufacturing and process facility could not be accommodated within infrastructure.
- 8.7 I have indicated above that I am satisfied that the proposed building could be accommodated without an unacceptable impact in terms of noise. Other amenity considerations include impact on visual amenity and Policy S3 encourages a high quality of design in all development proposals taking account of factors including site location, the relationship of the proposed building to surrounding buildings, the materials used and their colour and the impact of the proposal on key views into and out of the site. The proposed building is relatively large/tall at 25m at its highest point and is situated towards the southern boundary of the complex where it would be readily visible from the footpath on the north side of the River South Esk, eastern parts of Ferryden and the walking route towards Scurdie Ness. From the south, south east and south west the building would benefit from backclothing from other large scale buildings within the complex and would be seen in the context of those buildings. The proposed building has been reasonably well designed with colours which would complement other buildings within the site. The more prominent south elevation has a single storey lean-to section and a staggered mono pitch roof arrangement. The building would not significantly affect views across the site and it would occupy only a minor horizontal extent of the views towards the town centre from the south of the river. Overall I consider that the proposed development could be accommodated without any unacceptable impacts on visual amenity and the design would be acceptable in the location proposed.
- 8.8 In terms of impacts on the natural environment (policies ER1, ER2 and ER4), the ES indicates that the construction of the building would be undertaken in line with the recommendations of a Construction and Environmental Management Document (CEMD) to ensure that impacts on the water environment and air quality are carefully regulated. Scottish Natural Heritage has reviewed the proposal and the associated ES and is satisfied that the proposed building would not cause any adverse impacts on the River South Esk or Montrose Basin or the species which use these habitats (SAC, SPA and SSSI). SNH state that an Appropriate Assessment is not required but comment in the context of the Habitats Regulations. SNH note that a number of controls are proposed to prevent contaminated water from entering the River South Esk and that specific procedures would be put in place to control sediment mobilisation, surface water discharges and spillages, which would be written into a Construction Environmental Management Plan. SNH notes that the proposed development would require a variation to the existing site-wide PPC (pollution prevention) Permit and therefore consider there would be sufficient controls in place to be confident that there would be no significant effect on protected sites including the River South Esk SAC and Montrose Basin SPA/RAMSAR.
- 8.9 The proposed building has the potential to impact on the built environment and policies ER12 and ER16 require an assessment of impacts on the conservation area and the setting of listed buildings. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development

which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting. The proposed building is located around 300m from the Inner Harbour Light tower (category B listed). There are also a number of listed buildings further from the site. I am however satisfied that the proposed building would be sufficiently distant from listed buildings to avoid any unacceptable impacts. The proposed building is a tall structure which could impact on views from south of the river across the site towards the conservation area and Montrose Steeple. As noted earlier in this report, the proposed building would only occupy a minor horizontal extent of this view and I do not consider the impact on the setting of the conservation area or steeple to be so great as to justify refusal of planning permission. Neither Historic Scotland nor the Archaeology Service has offered any objection to the proposal.

- 8.10 The ES indicates that the proposed pharmaceutical manufacturing and process facility is anticipated to create 25 new jobs within the complex which represents a significant economic benefit to Montrose and the wider Angus economy. The local plan development strategy for Montrose seeks to promote the reuse of brownfield land for appropriate uses; provide for economic growth; and safeguard the natural and built features which are a key part of the character and identify of the town. The proposed pharmaceutical manufacturing and process facility would reuse brownfield land for an appropriate new use and would provide for economic growth; while giving rise to no unacceptable impacts on the natural and built features which are a key part of the character and identify of the town. Subject to the mitigation measures proposed within the ES and the planning conditions proposed to regulate noise from the operation of the facility, I consider the proposal to accord with the relevant policies of the development plan. There are no material considerations that justify refusal of planning permission.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

It is recommended that application be approved for the following reasons and subject to the following planning conditions:

Reason(s) for Approval:

That the development is in accordance with the development plan. The environmental impacts associated with the development are not unacceptable and the development would not have any significant adverse impact on environmentally sensitive areas. There are no material considerations that justify refusal of the application.

Conditions:

1. Noise from the development shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to NR35 between the hours of 0700 and 2300 and NR25 at all other times.

Reason: To ensure that there would not be an unacceptable level of noise impact on

nearby noise sensitive properties.

2. The building shall be constructed in accordance with the details in section 4.4 of the submitted Noise Impact Assessment dated 8th August 2014.

Reason: To ensure that there would not be an unacceptable level of noise impact on nearby noise sensitive properties.

3. That the development shall be undertaken in accordance with the GSK Active Pharmaceutical Ingredients Facility Montrose Environmental Impact Assessment August 2014 and the mitigation measures identified therein unless expressly modified by conditions of this planning permission.

Reason: In order to ensure that the development is undertaken in a manner that mitigates adverse impact on the environment.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

P&P/ IM/ET/IAL

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Date: 24 October 2014

List of Appendices:

APPENDIX 1: DEVELOPMENT PLAN POLICIES AGAINST WHICH THE PROPOSAL HAS BEEN ASSESSED

ANGUS LOCAL PLAN REVIEW

Policy S1: Development Boundaries

- (a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.
- (b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.
- (c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

Policy S3: Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

Policy S6: Development Principles

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

Policy SC16 : Employment Land Supply

Angus Council will maintain a supply of employment land to which proposals for business and industry will be directed as follows:-

- Arbroath, Elliot and Kirkton, (minimum 10 ha);
- Forfar, Orchardbank (minimum 10 ha);
- Montrose, Forties Road and Broomfield (minimum 10 ha);
- Brechin, Business Park (minimum 5 ha);
- Carnoustie (up to 5 ha);
- Kirriemuir (up to 5 ha).

At these locations, and other established employment areas, planning permission will not normally be granted for uses other than Class 4* (business), Class 5* (general industry), and Class 6* (storage and distribution), but may be considered where they are small scale, complementary and ancillary to the existing or proposed use. Development proposals will require to demonstrate there is no detriment to the surrounding amenity.

* As defined in the *Town and Country Planning (Use Classes) (Scotland) Order 1997*.

Policy SC17 : Industrial and Business Use

Outwith allocated sites employment proposals within Use Class 4* (business), Class 5* (general industry), and Class 6* (storage and distribution) may be permitted in locations within development boundaries where the proposal:

- can be accommodated within existing or planned infrastructure capacity;
- is not detrimental to the surrounding amenity; and
- accords with other relevant policies of the Local Plan.

** As defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997.*

Policy ER1 : Natura 2000 and Ramsar Sites

Development likely to have a significant effect on a designated, candidate or proposed Natura 2000 site (Special Protection Areas and Special Areas of Conservation), or Ramsar site and not connected with or necessary to the conservation management of the site must undergo an appropriate assessment as required by Regulation 48 of the Conservation (Natural Habitats etc.) Regulations 1994. Development will only be permitted exceptionally and where the assessment indicates that:

- (a) it will not adversely affect the integrity of the site; or
- (b) there are no alternative solutions; and
- (c) there are imperative reasons of overriding public interest, including those of a social or economic nature.

Where proposals affect a priority habitat and/or priority species as defined by the Habitats Directive (92/43/EEC), the only overriding public interest must relate to human health, public safety or beneficial consequences of primary importance to the environment. Other allowable exceptions are subject to the views of the European Commission.

Policy ER2 : National Nature Reserves and Sites of Special Scientific Interest

Developments affecting National Nature Reserves and Sites of Special Scientific Interest will only be permitted exceptionally where it can be adequately demonstrated that either:

- (a) the proposed development will not compromise, destroy or adversely affect the conservation objectives and/or particular interest for which the site was notified; or
- (b) there is an overriding and proven public interest where social or economic considerations outweigh the need to safeguard the ecological, geological or geomorphological interest of the site and the need for the development cannot be met in other less damaging locations or by reasonable alternative means.

Policy ER4 : Wider Natural Heritage and Biodiversity

The Council will not normally grant planning permission for development that would have a significant adverse impact on species or habitats protected under British or European Law, identified as a priority in UK or Local Biodiversity Action Plans or on other valuable habitats or species.

Development proposals that affect such species or habitats will be required to include evidence that an assessment of nature conservation interest has been taken into account. Where development is permitted, the retention and enhancement of natural heritage and biodiversity will be secured through appropriate planning conditions or the use of Section 75 Agreements as necessary.

Policy ER11: Noise Pollution

Development which adversely affects health, the natural or built environment or general amenity as a result of an unacceptable increase in noise levels will not be permitted unless there is an overriding need which cannot be accommodated elsewhere.

Proposals for development generating unacceptable noise levels will not generally be permitted adjacent to existing or proposed noise-sensitive land uses. Proposals for new noise-sensitive development which would be subject to unacceptable levels of noise from an existing noise source or from a proposed use will not be permitted.

Policy ER12 : Development Affecting Conservation Areas

Development proposals within conservation areas or affecting the setting of such areas will be supported where they:

- (a) respect the character and appearance of the area in terms of:
 - density, scale, proportion and massing;
 - layout, grouping and setting;
 - design, materials and finish;
- (b) contribute positively to the setting of the area and maintain important views within, into or out of the area;
- (c) retain particular features which contribute to the character and appearance of the area:
 - open spaces;
 - walls and other means of enclosure;
 - ground surfaces;
 - natural features such as trees and hedgerows;
 - accord with the Character Statement for the area.

Policy ER16: Development Affecting the Setting of a Listed Building

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.