

Kincardine & Mearns Area Committee Report 22 August 2017

Reference No: APP/2016/2838

Full Planning Permission For Change of Use from Agriculture and Class 6 (Storage and Distribution) to Mixed Use of Class 6 (Storage and Distribution) and Class 5 (General Industrial) for Units 5, 6, 7 and the Agricultural Shed (Retrospective) and Retention of Storage Containers at Gillybrands Farm, Cammachmore, Newtonhill, Aberdeenshire, AB39 3NS

Applicant: Mr Alexander Shepherd, C/o Agent
Agent: Burness Paull LLP, Union Plaza, 1 Union Wynd, Aberdeen

Grid Ref: E:390164 N:794416
Ward No. and Name: W17 - North Kincardine
Application Type: Full Planning Permission
Representations: 6
Consultations: 5
Relevant Proposals: Aberdeenshire local Development Plan Map
Designations: Aberdeen Housing Market Area
Complies with: Yes
Development Plans:
Main Recommendation: Grant with Conditions



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 The application site is located within the boundaries of the Chapelton settlement, approximately 700m west of the A90, 180m south of the village of Cammachmore and incorporates a farm buildings ranging from traditional slate and stone steadings to modern sheds. The site also includes a total of 15 storage containers and a portacabin. The site is accessed by a private road (Causey Mounth) from the single track unclassified public road between Cammachmore and Durris.
- 2.2 The buildings on site have been split into a total of 7 units that are being used for a mix of class 5 (light industrial) and class 6 (storage and distribution) uses including (as stated in the supporting statement submitted with the application):
- Unit 1: Storage and light woodworking
 - Unit 2: Storage and car valeting
 - Unit 3: Granite worktop workshop
 - Unit 4: Storage and joinery workshop
 - Unit 5: Storage and repair of 'old cars'
 - Unit 6: Non-agricultural vehicle repair
 - Unit 7: Storage by sound and lighting business
- 2.3 This planning application seeks retrospective planning permission for full planning permission to change the use of units 5, 6 and 7 from 'agriculture' and class 6 (storage and distribution) to a mix of class 6 and 5 (general industrial) and to retain the storage containers. The agricultural shed (identified as 'shed to west' on the site plan) and which was included in the original site plan is located in the greenbelt and the applicant was advised that the change of use would be contrary to planning policy. As such it has been excluded from the application site. In the supporting statement submitted with the application it is stated that this shed 'is still being used for agricultural purposes but part of it is also sometimes used as a vehicle workshop/car maintenance by people who do not have room in a domestic garage to store and work on old vehicles.'

- 2.4 In 2009, retrospective planning permission (planning application ref: APP/2009/2952) was granted for change of use of units 1, 2 and 5 to Class 6 (storage and distribution) and units 3 and 4 to Class 5 (general industrial). Full planning permission for the erection of an agricultural building (current unit 7) was granted retrospectively in October 2011 (APP/2010/3348). The current application was discussed at pre-application stage when the agent was advised that, based on the information submitted, the Planning Service could not foresee any concerns being raised in relation to a future planning application.
- 2.5 In a the supporting statement submitted with the application, it is stated that the proposed change of use of the buildings and shipping containers to mixed class 5 and 6 uses would provide greater flexibility for future uses and intensification of existing uses of these buildings in order to continue to provide space for current and future small enterprises. It is also stated that cattle farming at Gillybrands farm ceased in 2011 and that as the farming enterprise is now purely arable, the applicant no longer requires three agricultural storage buildings.
- 2.6 The site is currently drained via a number of field drains. Although field drainage is compatible with the former agricultural use of the site, the farm buildings and yard and associated yard are now primarily used for class 5 and 6 uses which require 2 levels of treatment in accordance with SEPA's regulations. The applicant's engineers have submitted surface drainage proposals incorporating 2 levels of treatment in the form of an infiltration swale and surface water soakaway. Additional measures to deal with drainage associated with the car valeting business including wash down and silt separators prior to discharging into the surface water soakaway. Foul water drainage would be by means of a private treatment plant (Biodisc system) discharging into an effluent soakaway.

3. Representations

- 3.1 A total of 6 valid representations (objections) have been received as defined in the Scheme of Delegation. The letters raise the following material issues:
- The proposal fails to comply with planning policy
 - Unsuitability of local roads for the volume of traffic and types of vehicles requiring to access the site.
 - Adverse impact on the safety
 - Noise
 - The scope of the application is too broad and would allow any industrial activities to be carried out on site without consideration for residents or the community as a whole.
 - Lack of drainage information
 - The East Shed is located in the Greenbelt and the grant of change of use would set and unacceptable precedent.

4. Consultations

Internal

- 4.1 **Infrastructure Services (Environmental Health)** has no objections to the application subject to the inclusion of relevant planning conditions relating to noise emissions being attached to the granting of any consent notice.

This Service has further confirmed that no noise complaints had been received in relation to activities on the site.

- 4.2 **Infrastructure Services (Flood Risk and Coast Protection)** has commented that, having reviewed the drainage proposals submitted by Fairhurst, they are generally satisfied with the measures proposed to deal with surface water drainage and the level of flood risk associated with the application. The existing buildings will have private drainage systems, including a surface water cut off/infiltration trench and a large infiltration soakaway, which will require due maintenance and as such it is suggested that a relevant planning condition is attached to the granting of any consent notice to ensure this.

It is suggested that the remedial drainage measures need to be installed within 3 months of approval.

- 4.3 **Infrastructure Services (Roads Development)** has commented that although there is a slight shortfall in the number of car parking spaces for each unit, given the layout of the site, they are satisfied that this shortfall will not cause any negative effects on the surrounding area. In terms of potential traffic increase, the site is accessed by a private road from the public road and the traffic generated by the change of use is unlikely to be significantly greater than the existing use of the site.

This service has no objections to the proposed development subject to a condition requiring the provision of 25 car parking spaces surfaced in hard standing materials.

External

- 4.4 **Newtonhill, Muchalls and Cammachmore Community Council** has commented that although they support employment opportunities locally, there are concerns about traffic; out of hours working; the suitability of the buildings; and environmental contamination. The Community Council have stated that they will support this application if their concerns are considered and the conditions aligned to any planning approval, otherwise they recommend that the application be refused.

- 4.5 **North Kincardine Rural Community Council (NKRCC)** has commented that it objects on the grounds that permissions were previously obtained under APP/2009/2952 but it would appear that some of the conditions imposed have

not been adhered to resulting in this additional application, which in the main would seem retrospective. The NKRCC, whilst wishing to support commerce and enterprise within the community, suggest that it should not be at the detriment to those in adjacent residential properties.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

5.3 Aberdeenshire Local Development Plan 2017

Policy R2: Housing and employment development elsewhere in the countryside

Policy RD1: Providing suitable services

5.4 Other Material Considerations

None

6. Discussion

6.1 There are 3 key issues to consider in connection with this application including:

- Whether the development principle can be supported;
- The potential impact of the development on residential amenity; and
- Whether all technical issues have been addressed or could be addressed through appropriate planning conditions.

Development principle

6.2 The proposed development is located within the a group of buildings some of which were granted planning permission for Class 5 (general industrial) and Class 6 (storage and distribution) uses under planning permission reference APP/2009/2952 as outlined in paragraph 2.4 above. As such, it is considered that the use of the site for employment uses has already been established.

6.3 Policy R2 – Housing and employment elsewhere in the countryside supports the redevelopment of redundant buildings to employment uses subject to a maximum of 0.5 ha and up to 5 employees. The overall ‘amended’ site area (which excludes the shed but includes buildings previously approved for class 5 and 6 uses) does not exceed 0.5 ha.

6.4 Although the number of employees across the various building may exceed the maximum of 5, the use has been established and it is not expected that the type of units would appeal to companies and businesses employing a large number of people that would increase the number of employees to a significant extent from what is already occurring.

6.5 Taking the above into consideration, the Planning Service is satisfied that in principle, the proposal can be supported.

Impact on residential amenity

6.6 A number of objectors have highlighted the alleged failure by the applicant to comply with the noise conditions imposed on the previous consent. However, Infrastructure Services (Environmental Health) has advised that to date, they have not received any complaints relating to noise disturbance emanating from the site. Infrastructure Services (Environmental Health) has recommended conditions restricting the use of power tools and external storage and works as detailed in paragraph 4.1 above. Although they are particularly keen to restrict outdoor storage and industrial processes/car repair

and maintenance outside the shed located to the north east of the site ('shed to west'), this building has been omitted from the application site for the reasons set out in paragraph 2.3 above. The Planning Service will investigate any complaints related to the amenity issues specifically associated with the use of that building separate to this current planning application.

- 6.7 Other issues that have been raised in letters or objections and by both Community Councils related to the hours of operations (late at night and at the weekend) of the businesses and suggests that these should be restricted by conditions. No such conditions were imposed on the previous planning permission and as such any condition imposed on this application would not restrict hours of operations in units 1, 2, 3, 4 or 5. Furthermore, the Planning Service considered that the level of activity at the site is commensurate to what would be expected had the site still have been in full agricultural use.
- 6.8 Although it has been suggested that the development should use the new road for accessing the site from the south, imposing a condition to that effect would be unenforceable. Furthermore, such a condition could only be applied to Unit 7, all other units having gained planning permission with unrestricted access from the north (Cammachmore to Durris Road).

Technical issues

- 6.9 Policy RD2 seeks to ensure that access to new development does not cause road safety issues. Infrastructure Services (Roads Development) has no road safety concerns in relation to the proposal for the reasons outlined in paragraph 4.3 above.
- 6.10 Policy RD2 also seek to ensure that new development is drained in ways that avoid flooding and pollution to the water environment. The submitted drainage report demonstrates that suitable foul drainage solutions can be achieved on site. As outlined in paragraph 4.2 above, Infrastructure Services (Flood Risk and Coast Protection) are satisfied that the submitted surface drainage proposals demonstrate that an adequate solution is achievable. Although additional authorisations might be required under SEPA's regulation, this is independent from the planning process.

Conclusion

- 6.11 In summary, it is considered that the 'retrospective' change of use of a number of buildings would be in keeping with the established use of the site and not exacerbate the use of the site significantly beyond what is currently occurring. The proposal is considered to be small scale and therefore compatible with a rural location. Drainage proposals have been submitted to ensure that existing drainage issues at the site are addressed and sufficient off street car parking has been proposed to service the proposed use of the buildings. As such, it is considered that the development complies with Policy R2: Housing and employment development elsewhere in the countryside and Policy RD1: Providing suitable services of the Aberdeenshire Local Development Plan 2017.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Equalities, Staffing and Financial Implications

- 8.1 An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.
- 8.2 There are no staffing and financial implications.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

- 10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 GRANT subject to the following conditions:-

01. That within 3 months of this approval the approved remedial surface water drainage works and foul drainage proposals hereby approved shall be carried out in accordance with drawing reference 119348/2101 (Drainage Layout) by Fairhurst dated 29th May 2017 and recommendations included in the Ground

Investigation Report by Fairhurst dated July 2017 as certified by a suitably qualified drainage engineer. The foul and surface water drainage system shall be permanently retained thereafter and maintained in accordance with a maintenance regime to be submitted for the further consideration and approval of the Planning Authority within one month of this permission.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

02. That within 3 months of this approval a total of 25 car parking spaces surfaced in hard standing materials shall be provided within the site in accordance with the approved site plan (16/109/B). Once provided the car parking spaces shall thereafter be permanently retained as such.

Reason: In order to ensure the timely completion of all parking spaces to an appropriate standard and to ensure the retention of adequate off-street parking facilities within the site in the interests of road safety.

03. That the use of power tools within the site area shall only occur between the hours of 8:00 to 18:00, Mondays to Saturdays with no use of power tools anytime on Sundays.

Reason: In order to ensure that the development does not result in undue loss of amenity for surrounding residential properties.

04. That no industrial process or repairs or vehicle maintenance or open storage shall take place outwith existing buildings located within the site hereby approved at any time.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

11.2 Reason for Decision

It is considered that the 'retrospective' change of use of a number of building would be in keeping with the established use of the site and not exacerbate the use of the site significantly beyond what is currently occurring. The proposal is considered to be small scale and therefore compatible with a rural location. Drainage proposals have been submitted to ensure that existing drainage issues at the site are addressed and sufficient off street car parking has been submitted to service the buildings. As such, it is considered that the development complies with Policy R2: Housing and employment development elsewhere in the countryside and Policy RD1: Providing suitable services of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
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Report Date: 2 August 2017