



Garioch Area Committee Report – 31 October 2017

Reference No: APP/2017/1802

Full Planning Permission for Continued Use of Building for Class 5 (General Industrial); Non Compliance with Condition 1 (Time) of Full Planning Permission Ref. APP/2015/0663 at Units 4 And 5, South Fornet, Skene, Aberdeenshire, AB32 7BX

Applicant: South Fornet Estates Ltd
Agent: Burness Paull LLP

Grid Ref:	E:379102 N:833584
Ward No. and Name:	W13 – Westhill and District
Application Type:	Full Planning Permission
Representations:	41 (22 Support/19 object)
Consultations:	6
Relevant Proposals Map Designations:	Countryside, Aberdeen Housing Market Area
Complies with Development Plans:	No
Main Recommendation:	Refuse



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 representations 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 Full planning permission is sought for the continued use of Units 4 & 5 by the removal of planning condition 1 (Time) of Full Planning Permission APP/2015/0663 at South Fonet Business Centre, Westhill. This condition stated:

That permission for the development hereby approved shall be for a limited period of 2 years from the date of this approval.

Reason: In order to give the existing businesses operating from the site time to relocate to more appropriate premises

- 2.2 South Fonet lies on the brow of a small hill, within relatively open and undulating countryside and is accessed by an unclassified public road that extends from BA stores (1.8km to the north west side) Glasgoforest (3km to the north east of the site). The B9126 public road connecting Lyne of Skene to Kirkton of Skene runs on an east – west course 1.5km due south of the site. The existing site at South Fonet comprises a group of agricultural buildings, farmhouse and associated cottages which all lie on the north side of the public road.
- 2.3 This application relates to units 4 and 5 which lie over the northern site boundary of the existing farm office building (which was formerly a dwellinghouse but was approved for office use on the back of appeal reference PPA-110-571). The buildings are positioned in an L-shape. The westernmost building (unit 4) is attached to an existing traditional vernacular building on its west side which therefore forms a courtyard feature. Unit 5 is attached to an agricultural building to the east. There is parking associated with the buildings within the courtyard area. Access into the courtyard is from the south east side. The existing buildings are large and wide agricultural buildings that form an integral part of the overall agricultural group. They are part rendered with profile sheeting to the upper wall sections with profile sheeting to the pitched roof and access doors exist along both north and south elevations of unit 5 and along the east elevation of unit 4. The dimensions of each unit is as follows:
- Unit 4 - 33m long x 15.6m wide x 5.3m to eaves and 7.8m to ridge (GFA – 514.8m²)

- Unit 5 – 32m long x 15.2m wide x 4.7m to eaves and 6.4m to ridge (GFA – 486.4m²)
 - The application site extends to 0.1712 hectares.
- 2.4 In the supporting information, it is indicated that Unit 4 & Unit 5 have been occupied by Aleron Subsea and ROVQUIP since 2014. It is indicated that there is a total workforce of 15 working across both businesses.
- 2.5 The operations in both units involves refurbishment of subsea equipment, re-testing and certification plus assembly of remote operational vehicles for subsea use. The buildings are also used for storing equipment in situ before it is sent offsite. There is also a test tank, used for testing of the ROVs located within the complex.
- 2.6 In terms of the other ‘units’ within the complex, only Unit 3 and Unit 6 are currently used for agricultural purposes. Unit 1 has a temporary permission (expires 29 December 2018) for Use Class 6; this is currently being used by Aleron Subsea and ROVQUIP.
- 2.7 It is stated in the supporting statement that *“there is little traffic impact relating to the operation of Units 4 & 5. It is estimated that the vehicular movements comprise 2 or 3 HGVs per month delivering/collecting the large components of the ROV systems; 2 articulated lorries twice per week; and cars from the staff working in the office.”*
- 2.8 There are two further subsea companies located within the offices at South Fornet; these are Ocean Work Systems Ltd and Marine Platforms.

The application is supported by the following information:

- Supporting Planning Statement by Burness Paull – July 2017
- Planning Support Document by FG Burnett – June 2017
- Supporting letter by Aleron Subsea Limited August 2017

3. Representations

- 3.1 A total of 41 valid representations (22 in support / 19 objections) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 43 (24 in support and 19 objections) in total. All issues raised have been considered. The letters raise the following material issues:

Issues raised in the letters of support

- *Should be classed as small scale development;*
- *No adverse visual impact on local area;*
- *No impact on local roads – less movements than agricultural business;*
- *Support for local business;*
- *The local road network has improved through the installation of laybys;*
- *No adverse impact from noise or light;*
- *Re-use of redundant farm buildings;*
- *Job creation;*
- *Alternative, face closure and loss of jobs;*

- *Impact on other businesses.*

Issues raised in the letters of objection

- *Not a small scale business in terms of LDP;*
- *Inappropriate location for this type of business;*
- *Adverse impact on the rural character of the area;*
- *Traffic and road safety issues;*
- *No public transport opportunities;*
- *Plentiful amount of vacant industrial units within the area;*
- *The existing buildings are not redundant from agriculture use;*
- *Physical impact on local roads from traffic movements;*
- *Not in compliance with development areas in LDP;*
- *Contamination from industrial activities;*
- *Visual impact of external storage;*
- *No changes since the proposal was assessed in 2015;*
- *Risk to walking/cycling on local road network;*
- *Damage to trees as a result of large vehicle movements;*
- *Adverse impact on landscape.*

4. Consultations

- 4.1 **Infrastructure Services (Environmental Health)** advise that it has no objection to the proposal.
- 4.2 **Infrastructure Services (Flood Prevention Unit)** advise that it has no comments / no objection to the proposal.
- 4.3 **Infrastructure Services (Roads Development)** advise that it has no comments to make on the proposal.
- 4.4 **Infrastructure services (Transportation)** objects to the application as the site lacks alternative modes of transport to the private car, particularly with regards to pedestrian connectivity and public transport provision which is deemed unsuitable for the proposed employment use classes.
- 4.5 **Echt and Skene Community Council** objects to the development on the following grounds:
- These are farm buildings well suited to modern farming practices and are not redundant for their original purpose;
 - None of the buildings currently has permission for industrial use;
 - The site is not zoned for industrial/other development in the Aberdeenshire LDP. There is already provision for new employment land in Westhill, Blackburn, Kintore and Inverurie where there is also public transport provision.
 - The access roads to the site are unsuitable for the current use and have already deteriorated due to the traffic associated with the unauthorised use.
 - On one occasion, the road has been blocked for over 2 hours by a goods vehicle delivering equipment to Aleron Subsea resulting in tree branches

along a 1km length tree avenue to be removed. The existing passing places are inadequate.

- On a separate occasion, the road from the B9126 to South Fornet was blocked for several days by a crane whilst undertaking a job for Aleron, due to subsidence of the road.
- Adverse impact on the rural character of the area due to industrial traffic, noise and the visual impact of the associated equipment;
- The traffic associated with the use will have an adverse impact on public amenity in the local area.

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.

The SDP spatial strategy focuses development in places where there are clear opportunities to encourage people to use public transport, which itself can be provided in an efficient way. The strategy plans for significant growth in a limited number of places, where there can be significant public and private investment in schools, community facilities and transport infrastructure without affecting people's quality of life.

5.3 Aberdeenshire Local Development Plan 2017

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy C4 Flooding

Policy RD1 Providing suitable services

Policy RD2 Developers' obligations

5.4 Other Material Considerations

Recent planning history

Scottish Planning Policy

Planning Advice Note 75 Planning for Transport

Transport Assessment Guidance

Aberdeenshire Councils Economic Development Strategy 2011- 2016

6. **Discussion**

Background

6.1 This application is for the continued use of Units 4 & 5 for Class 5 (general Industrial) by removal of condition 1 of the above planning approval, at South Fornet, Westhill. The site lies on land designated as Countryside within the Aberdeen Housing Market Area.

6.2 The key planning issue for this application is whether it is appropriate to effectively extend or allow the industrial use to continue in perpetuity. In order to assess this, the principle of the proposed development must be assessed along with other material planning considerations such as the planning history and representations.

6.3 This application is to assess the removal of a planning condition that was attached to a previous approval – APP/2015/0663. In July 2015 approval was granted for the change of use of units 4 and 5 from agriculture to Class 5 (General Industrial). This approval included a planning condition to limit the proposal for a temporary period for two years from the date of the approval. The planning approval effectively expired on 14 July 2017.

6.4 Therefore it is necessary to first examine the previous planning approval on this site and the reasons that the planning approval was granted and why the specific time condition was attached.

APP/2015/0663

6.5 This proposal was considered under the previous Local Development Plan (Aberdeenshire Local Plan 2012) and although it is recognised that the planning policies were different there are parallels to the current Local Development Plan. The application was referred to Garioch Area Committee on 2 June 2015.

6.6 The Committee Report stated that the following policies were considered at the time:

Policy 3 Development in the countryside

SG Rural Development 1: Housing and Business development in the countryside

Policy 8 Layout, siting and design of new development

LSD 2 Layout, siting and design of new development

LSD 9 Hazardous Development

Policy 9 Developer Contributions

SG Developer Contributions 2: Access to new development

- 6.7 The Planning Service recommended the application be refused for the following reasons:
- 1. There is no justification to support the claim that the existing buildings on site are redundant from their former use and the developers have not provided any evidence to suggest why the existing buildings on site are not capable of modern day agricultural purposes. The buildings therefore cannot be considered as redundant. The proposed operations does not fall under the definition of small scale development. The proposed development is therefore contrary to Policy 3: Development in the Countryside, and SG Rural Development 1: Housing and Business Development in the Countryside as contained in the Aberdeenshire Local Development Plan 2012.*
 - 2. The site lacks alternative modes of transport to the private car, particularly with regard to pedestrian connectivity and public transport provision which is deemed unsuitable for the proposed employment use class. Therefore the application fails to comply with Policy 9: Developer Contributions and its associated SG Developer Contributions 2: Access to New Development of the Aberdeenshire Local Development Plan 2012.*
 - 3. The provision of large parking areas in remote rural locations is not desirable as it not only detracts from the local identity of the rural locality but also is not aesthetically pleasing nor visually appealing. Parking associated with the proposed use is considered to have a detrimental impact on the visual amenity surrounding the site and is contrary to the requirements of Policy 8 Layout, Siting and Design and the associated SG LSD2: Layout, Siting and Design of new development.*
- 6.8 At the 2 June 2015 meeting ‘*the Committee agreed to grant Full Planning Permission for a temporary period of up to 2 years, subject to appropriate conditions, in order to allow the businesses involved time to find alternative more appropriate premises for the proposed uses and relocate. It is considered that the temporary permission, on this basis would comply with Policy 1 SG Bus1.*’

Principle

- 6.9 In order to fully assess the extant application it is necessary to examine the current planning policies to assess if there has been any material changes as to warrant an approval.
- 6.10 The principal policy that the proposal must be consider under is Policy R2 Housing and employment development elsewhere in the countryside.

- 6.11 Policy R2 Housing and employment development elsewhere in the countryside states that *'we will restrict development proposals in the countryside area outwith the Aberdeen greenbelt and coastal zone to small-scale development that would:*
- *be appropriate in the greenbelt (see Policy R1: Special rural areas); or*
 - *involve the refurbishment or replacement, on the same site, of an existing house or disused building; or*
 - *involve remediation of redundant brownfield land opportunities.'*
- 6.12 It is worth noting that small scale is defined in the plan as;
- Small-scale: Development of a scale that would be appropriate either:*
- *on a site at most no bigger than 350 m² (i.e. a single large house plot);*
 - *in the case of housing, up to 3 single houses (unless otherwise specified in the policy); or otherwise*
 - *in the case of employment, a site of less than 0.5 hectares and employing 5 or less full time people according to context in the plan*

Greenbelt

- 6.13 The proposed development is not within the greenbelt and cannot be supported under any of the criteria contained with the Policy R1: Special rural areas.

Small Scale

- 6.14 The supporting statement claims that this should be considered small scale development. The aforementioned policy only allows for small scale development (i.e. employment land up to 0.5ha and a business employing up to 5 persons). While it is recognised that the units fall under the 0.5ha threshold it is clear that at the current time 15 persons are employed between the two businesses; the proposal therefore does not meet both required criteria.
- 6.15 The nature of the business use would appear to require both an office base along with capacity for undertaking industrial processes. This in itself would suggest that the nature of the businesses on site are far from the definition of "small scale". There is no evidence to suggest that the nature of the proposed use for refurbishment of subsea equipment, re-testing and certification plus assembly of remote operational vehicles of subsea use requires a rural location and the fact that the companies may operate from the existing office does not warrant a general industrial use at this location.
- 6.16 The buildings have a combined floor area of 0.1712ha (1.712m²) this is not a true reflection of the development as it does not take account of the external manoeuvring space and parking facilitating the use. Given the nature of the business alongside the fact that the unit is physically attached to other units in the vicinity it is not realistic nor within the spirit and intent of policy to look at this application as a standalone proposal. There is also the use of Unit 1 for storage and distribution and there is real risk that the approval of this application would set a precedent for other units within the complex of agricultural buildings to follow suit.

Redundancy

- 6.17 The following is an extract from the glossary of the Local Development Plan that clarifies brownfield land in the context of the above policy;

Brownfield land: Sites which have previously been developed or used for some purpose that has now ceased and on which a new use has not been established. They exclude private and public gardens, sports and recreational grounds, woodlands and amenity open spaces. In rural areas and in the context of policy R2 it is necessary for a brownfield site to be redundant and only exceptionally will buildings that are (or could be) used for storage purposes (including silage clamps or other specialised agricultural structure), temporary buildings, hardstandings, reinstated sites or sites disused or redundant for so long that they have become naturalised be considered a redundant brownfield development opportunity.

- 6.18 The supporting planning statement indicates that the farming business ceased in 2014 and the adjacent farm land is now contract farmed by others for cereal production. As noted above only Units 3 and 6 are now used for agricultural purposes. It is noted in the supporting statement that due to the changing farming practices there is no requirement for the other units to be used for agricultural purposes. However, just because the applicant has stopped using the buildings for agricultural purposes does not necessarily warrant the buildings to be considered as redundant.
- 6.19 From visual inspection, the buildings are in very good condition and have been maintained to a high standard and there is no reason why they cannot be capable of accommodating modern agricultural practices. This further emphasises the point that the buildings are capable of being used for agricultural related activities, if so required in the future.
- 6.20 The planning justification statement makes reference to the fact that the site has a history of industrial uses. Planning permission was granted in 1974 for a change of use of one of the associated farm buildings to a fat rendering factory and part of the farm stabling some time prior to this was converted into a pet animal food factory. However, these consents are historic. The stated industrial uses ceased operating in the 1980s (30+years ago). The most recent use (prior to the temporary permissions) of the buildings on site has been agricultural associated with the bagging and storage of potatoes and the approval of the aforementioned industrial uses in the 1970s should not be considered as having any material weight in the consideration of the current applications. The proposed use requires to be considered against current planning policy.
- 6.21 In the supporting statement it is noted that the previous potato business was wound down due to 'several poor years and difficult export markets'. While this is accepted, this may change in the future and therefore it may be feasible to return to the previous agricultural enterprise. An agricultural operation of this scale would normally be considered as a viable agricultural enterprise and it would almost certainly require an operating base. The existing buildings at South Fornet are ideally suited for this purpose. If the use of these buildings is incrementally changed to comprise class 4, 5 and 6 uses, there will be no operating centre available to serve the needs of the agricultural business. In

this case the buildings are capable of modern day agricultural practices and therefore should be retained as such.

Location of this type of development

- 6.22 Scottish planning policy states the planning system should “promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality”. Paragraph 76 of SPP goes on to state that “In the pressurised areas easily accessible from Scotland’s cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land.” The site in question lies within close proximity to existing pressured areas (A96 - strategic growth corridor and Westhill and given its agricultural significance alongside the need to protect the character of the surrounding rural environment, these are the very locations where national planning policy advises that this type of development should be strongly resisted.

Alternative options

- 6.23 The supporting document prepared by FG Burnett makes it clear that the cost of renting the units at South Fonet is considerably cheaper than alternative options within the locality. A number of other locations were highlighted and discounted, primarily due to the cost. It was also highlighted that there are significant benefits of co-locating the office unit with the industrial units. The FG Burnett report provides some tangible costings and there is a reasonable justification as to the area of the search. However, the Planning Service must register concern that Westhill and Blackburn were excluded from the area of search. These clearly contain a number of industrial sites appropriate for the kind of development at South Fonet and the Planning Service is aware that there is a link between landownership at South Fonet and vacant sites within the allocated employment land at Blackburn. Therefore exclusion of these sites cannot be justified.
- 6.24 It is noted that the business was temporarily located to Inch between April and November 2015. The applicant claims that this was unsuccessful and expensive due to the restrictions on the size of the site, the distance between the company sites and the fact that the landlord went into liquidation.

Economic argument

- 6.25 While it is recognised that the businesses provide employment opportunities and the Planning Service recognises the plight of the businesses located at South Fonet, it has not been demonstrated why there is a specific need to be located at this site.

Transportation and access

- 6.26 Scottish Planning Policy states “*The planning system should support a pattern of development which optimise the use of existing infrastructure, reduces the need to travel, provides safe and convenient opportunities for walking and*

cycling for both active travel and recreation, and facilitate travel by public transport, enable the integration of transport modes, and facilitates travel by public transport and freight movement by rail or water”.

- 6.27 The objectives of The Aberdeen City and Shire Strategic Development plan 2014 include provision of opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for, and attractive to, the needs of different industries. However at the same time new development needs to focus on creating successful and sustainable communities. “New housing and developments for employment and commercial use should be integrated (well related to each other and community facilities) to improve people’s quality of life and opportunity”. It is specified that marketable employment land is required to be available to businesses in the strategic growth areas to be of a standard which will attract high-quality businesses or be suitable for company headquarters. The site in question does not lie within a strategic growth area but in a remote rural location which is presently served by single track roads with passing places (U102C).
- 6.28 The Aberdeenshire Local Development Plan 2017 further promotes the role of sustainable travel through Policy RD1 Providing suitable services (Access to new development) which states:
- We will support new development if it is well related to existing developments, is in accordance with the national policy “Designing Streets” and does not create an impermeable barrier to further development. Development must be close to existing public transport services (if available) or deliver major improvements to public transport services, in scale with the development.*
- 6.29 Transportation advises that it objected to the previous proposal on this site on the basis of lack of sustainable travel options. It notes that there are no material changes to the current application. As a consequence, it maintains its objection as the site lacks alternative modes of transport to the private car, particularly in respect of pedestrian connectivity and public transport provision, which is deemed unsuitable for the proposed employment use class.
- 6.30 Given the location of the nearest bus stops at Lyne of Skene, walking to the site from the existing public transport facilities is unsuitable using the B977 Lyne of Skene to Kintore Road) and U102C or the B9126 (Lyne of Skene to Kirkton of Skene Road) and U102C. Given the lack of pedestrian facilities and distance to be travelled, better public transport facilities would be required to deem the proposed development acceptable. In light of the fact that the principle of development is contrary to policy, this matter has not been pursued nor have the developers addressed this issue.
- 6.31 Furthermore, there are industrial sites located within nearby settlements of Westhill, Blackburn and Kintore that are allocated for Class 4, 5 and 6 use. These sites are served by infrastructure including both services and roads and follow good public transport links. The proposed development is therefore considered contrary to Policy RD1 Providing suitable services.
- 6.32 Not only is the development contrary to the development plan but the proposal is contrary to the aims of national and regional planning policy in promoting a pattern of development which reduces the need to travel by the private car.

Employment and business land is allocated through the local development plan process to facilitate the provision of sustainable communities.

- 6.33 Many of the letters of representation make reference to the fact that the existing road network has been extensively damaged as a result of HGVs and other unsuitable vehicles using the existing road network to access the existing business uses within units 4 and 5.

Contamination

- 6.34 Policy P4 Hazardous and potentially polluting developments and contaminated land states that development will be refused if there is a risk that it could cause significant pollution, create a significant nuisance, or present an unacceptable danger to the public or the environment. There are a number of concerns raised in the letters of representation relating to impact on amenity relating to noise and light pollution. However, Environmental Health has not raised concerns over the proposed use.
- 6.35 Concerns were raised within the letters of representation on the potential for oil etc. to contaminate ground water as no provision is made for its containment. This matter may also require investigation, but at this stage has not been pursued in light of the fact that the principle of the development does not accord with policy.

Other Matters

- 6.38 The Echt and Skene Community Council formally objects to the development. All matters raised have been addressed in the preceding text.

Representations

- 6.39 A number of letters of representation were received for this application, both objecting and supporting the proposal.
- 6.40 All matters raised objecting to the proposal have been covered and fully discussed above.
- 6.41 Many of the letters in support are from employees within the companies already present in the offices/workshops at South Fonet and from local businesses amongst other submissions. Generally the content of these oppose the concerns raised within the letters of objection.
- 6.42 There is also mention of the employment opportunities that the companies provide. While this is not in dispute, it is clear from the discussion above that the need to be located at South Fonet has not been demonstrated. These employment opportunities would still be present if the businesses were located in a more suitable location.

Summary

- 6.43 On the basis of the above, the development fails to comply Policy R2 Housing and employment development elsewhere in the countryside on two counts. The first is that there is no justification to support the claim that the existing buildings on site are redundant from their former use and there is no reason why the existing buildings on site cannot be capable of modern day

agricultural purposes and the second is that the proposed operation would not fall under the definition of small scale development. Furthermore, the use, if approved would set a highly undesirable precedent for other “units” within the agricultural complex to be used for similar inappropriate development within this rural locality.

- 6.44 The previous approval was time limited to allow the businesses to relocate to a more suitable site, while it appears that some investigation work has been undertaken, this does not appear to have been a particularly exhaustive search and it seems that not all available options have been considered.
- 6.45 The development does nothing to contribute the national, regional and local priorities for creating sustainable communities. Scottish Planning Policy stresses the importance of protecting against unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. The development is not considered to be well related to existing settlements nor close to existing public transport services and pedestrian connectivity and public transport provision facilitating the site at present is deemed unsuitable for the proposed class 5 General industrial use.
- 6.46 Developments falling within use classes 4, 5 and 6 should be directed to existing employment sites in settlements and not within more remote rural locations such as this. The development contravenes policy not only at a local level but also at regional and national levels and it is for the above reasons that the application is recommended for refusal.

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. Implications and Risk

- 8.1 An equality impact assessment is not required because the grant of permission in this case does not have a differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

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

Policy which states in assessing development proposals, we will balance the importance given to each aim in coming to a decision, taking into account the spatial strategy, objectives and targets of the plan.

10.2 Local Development Plan Departures

Policy R2 Housing and employment development elsewhere in the countryside
Policy RD1 Providing suitable services

10.3 The application is a Departure from the valid Local Development Plan and Strategic Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

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 REFUSE Full Planning Permission for the following reasons:-

1. There is no justification to support the claim that the existing buildings on site are redundant from their former use and the developers have not provided any evidence to suggest why the existing buildings on site are not capable of modern day agricultural purposes. The buildings therefore cannot be considered as redundant. The proposed operations do not fall under the definition of small scale development. The proposed development is therefore contrary to Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.
2. The site lacks alternative modes of transport to the private car, particularly with regard to pedestrian connectivity and public transport provision which is deemed unsuitable for the proposed employment use class. Therefore the application fails to comply with Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services
Author: Matthew Watt (Planner)
Date: 13 October 2017

From: [Maureen Forrest](#)
To: [Planning Online](#)
Subject: FW: APP/2017/1802
Date: 01 August 2017 10:52:22

From: John [REDACTED]
Sent: 01 August 2017 10:34
To: Matthew Watt <matthew.watt@aberdeenshire.gov.uk>
Cc: Cllr David Aitchison <Cllr.D.Aitchison@aberdeenshire.gcsx.gov.uk>; Cllr Ron McKail <Cllr.R.McKail@aberdeenshire.gcsx.gov.uk>; Cllr Alistair McKelvie <cllr.a.mckelvie@aberdeenshire.gov.uk>; Cllr Iris Walker <cllr.i.walker@aberdeenshire.gov.uk>; Garioch Planning Apps <ga.planapps@aberdeenshire.gov.uk>
Subject: APP/2017/1802

Dear Sirs,

Echt & Skene Community Council object to the Planning Application APP/2017/1802 on the following :-

. These are farm buildings well suited to modern farming practices and are not redundant for their original purpose.

.None of the buildings currently has permission for industrial use.

.South Fornet Farm is not zoned in the Aberdeenshire LDP for industrial/other employment uses. There is already provision for new employment land in Westhill, Blackburn, Kintore and Inverurie where there is also public transport provision.

.The three access roads are all narrow with infrequent passing places and blind bends/summits. Not suited to the type and frequency of traffic associated with an industrial estate for subsea companies [employees and visitors cars delivery vans, articulated lorries, cranes]. There has already been deterioration in the state of the verges etc. due to traffic increases associated with current unauthorised industrial use and Council wheelie bin distribution in 2014.

. On 20th February the road from Blackchambers to South Fornet was blocked for more than two hours by a low loader carrying an item of Aleron's subsea equipment as tree branches had to be removed piecemeal from the 1km length of the tree avenue to allow for its passage.

According to the Transport Statement traffic should have been able to get passed at any of the 6 passing places on this stretch of road. In practice none of the passing places was wide enough or long enough to allow this.

. In May 2017 the road from the b9126 to South Fornet was blocked for several days by a

crane which fell into a ditch whilst on its way to a job for Aleron because the edge of the road subsided showing yet again the road is not suitable.

.Adverse impact on the rural character of the area due to the industrial traffic, noise and the visual impact of the crates and subsea equipment which have to be stored outside in the yard.

.The traffic associated with industrial use has an adverse effect on the public amenity and safety of walkers, cyclists and horse riders that use single track access roads.

Yours Faithfully,

John Foulkes secretary Echt & Skene CC ,

