

4. **LRB 383** – Notice of Review Against Refusal of Planning Permission in Principle for Formation of Business Park to include Class 2 (Financial, Professional and Other Services) and Class 4 (Business) Uses at the Ward, Huntly, Aberdeenshire – Reference: APP/2017/0783

Local Review Body: Councillors P K Johnston (Chair), R Cassie, F C P Hood, J Hutchison, J Ingram and A Ross.

- (i) Late statement submitted by the applicant/agent

Members/Officers are reminded that they should bring the agenda papers which were issued to them for the Local Review Body meeting of 25 August, 2017 where this Notice of Review was initially considered.

18<sup>th</sup> August 2017

Our Ref: 1538  
LRB Ref: 383  
Planning Ref: APP/2017/0783

**Formation of Business Park**  
Land at The Ward, Huntly

### SUPPLEMENTARY PLANNING STATEMENT

This Statement is submitted further to the refusal of planning application APP/2017/0783 by officers, and responds specifically to the reasons for refusal set out in the Decision Notice. This is in elaboration of the 'Statement of Reasons for seeking a Review' previously submitted.

The Response to the Reasons for Refusal are set out in turn below:

#### **Reason 1 : Prejudice to the delivery of the LDP 2017**

While it is accepted that the appeal site is not specifically zoned for development in the LDP, the application site is nevertheless largely on approved industrial land. In November 2015 Deans of Huntly were granted full planning permission to build on the majority of the site. Permission APP/2015/2892 granted consent for the erection of a new storage and distribution building for the coy, including change of use of the whole site (extending to 1.97 Ha – this includes 70 % of the appeal site area) from agriculture to industrial.

There were no planning conditions attached to the consent restricting the industrial use to any particular use class. This detailed permission has been implemented, so the applicants would be fully entitled to use the land granted 'change of use' for employment use. Although only a part of the site was shown to be developed at that time, there was certainly no commitment to retain the remainder of the site undeveloped in perpetuity. Otherwise there would have been no point in asking for the change of use, and the re-allocation of the wider site.

It is accordingly argued that, although no formal Development Plan Departure procedures were (or indeed needed to be) undertaken, this permission effectively re-allocated the majority of the current application site for industrial use.

In that regard, it should be noted that the approval and re-allocation preceded the finalisation of the 2017 LDP, and irrespective of whether there was a development plan 'bid' for the site, it should really have been taken forward when considering the finalisation of the new LDP zonings. This is particularly the case when it is considered that the land immediately to the south east of the site had previously been granted change of use to commercial under

consent ref APP/2014/4118. That development has since been constructed and indeed extended with Council approval.

It is accordingly questioned how the use of a largely allocated site can undermine the delivery of the 2017 LDP?

The Council have previously sanctioned the development of 70% of the site, and the remaining 30% of the site – the north-east corner – can only be accessed through the previously approved site (refer to image below). If it is not developed in association with the larger site, it will inevitably become derelict land. Its sterilisation would be illogical and clearly contrary to good planning practice, which encourages the efficient use of land.

There is therefore a strong planning case for allowing the extension of the previously approved site as now proposed.

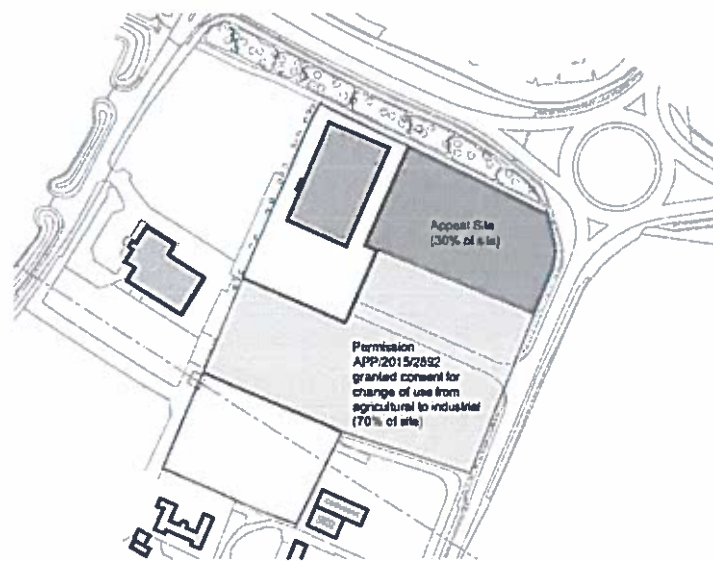


Figure 1. Site plan indicating area where permission granted for change of use from agricultural to industrial (APP/2015/2852)

Presumably the argument for suggesting that approval would undermine the delivery of the LDP rests on the notion that the other available zoned areas are less attractive, for the specific employment uses proposed, than the appeal site.

It has to be said that this is probably true. There is not much available land left in sites BUS 1, and 2 and they are congested and unattractive – not good neighbours for a low density, high amenity business park. The southern parts of both BUS 3 and OP6 are steeply sloping, much too steep for economic development. They are also constrained by the high voltage power line passing over head. OP6 north, is already occupied, while the northern half of BUS3 can only be accessed thro the mart site – again not a good neighbour for a bus park. Neither site is serviced, and would clearly have a long lead in timeline.

By contrast, the appeal site is flat, fully serviced, with a new industrial standard access, and the power line lies to the south. To refuse its development will only delay the economic development which both the Strategic Dev Plan and Scottish Planning Policy seek to engender in this corridor.

However, although the other zoned land within the settlement envelope may be less attractive for the specific use proposed, it will still nevertheless be attractive to the general industrial market in this growth corridor. Indeed, the Council clearly decided that all the LDP

zonings were required **in addition** to the appeal site (which was granted before the new LDP was finalised). There should be no doubt therefore that the dev of the LDP sites will certainly not be hindered by approval of the current appeal.

### **Reason 2 : Contrary to Countryside Policy**

As touched on in response to the first reason for refusal, it is not accepted that the majority of this site is truly in the countryside. It is bounded by development on all sides, and the majority of the site enjoys a 'change of use' permission for industrial use. Only the small area in the N.E. corner can truly be classed as 'countryside' in policy terms. This area only extends to 0.57 Ha - which is close to the 0.5 Ha which the Glossary to the LDP describes as 'small scale development'.

Policy R2 (Employment Development elsewhere in the Countryside) states that: "*we will allow development in the rural housing market area (which applies to this site) if they are 'small scale' employment proposals.*"

The development of the small area of the site not covered by the change of use consent, would accordingly be in accord with this element of Policy R2.

It is noted that the indicative plan shows an office development in this area. However, the submitted plan is purely 'indicative' and, as this is an outline application, the layout of the site, its landscaping, and the scale of development on this corner will be a matter for future discussion with officers.

### **Reason 3 : Contrary to Policy B2**

While it is accepted that there is a presumption in favour of locating office development in defined town centres, it is clear that Policy B2 does not rule out their location elsewhere. The Policy states "*where it can be shown that there is no suitable town centre location, they will normally be accommodated on identified employment land in accord with Policy B1*".

In this regard, it is beyond argument that Huntly's defined Town Centre does not cover a large area, and is relatively built up. Indeed, it is fully developed, with no redundant sites where a development of the type (high amenity) and scale (low density) proposed could be accommodated.

In terms of the wording of Policy B2 noted above therefore, there is clear justification in looking beyond the Town Centre.

Policy B1 (which, given the extant consent, should be applied to the appeal site) states that: "*we will approve new employment uses on land allocated or identified ... for business...*"

. In that regard therefore it is argued that there should be a presumption in favour of the application.

### **Reason 4 : Drainage Impact**

It can be clearly seen from The Report of Handling that the issue of surface water drainage can readily be resolved. Indeed the majority of the site has already been drained in association with the implementation of consent ref APP/2015/2892.

That detailed consent was approved subject to a condition that the means of disposal of surface water would be agreed before development commenced. The details were duly submitted, and by letter dated 27 October 2015, duly approved by the Flood Prevention Engineer. The works have now been implemented, inspected, and a Completion Certificate granted.

If such a condition can be attached to a detailed planning application, it is surely all the more apt and reasonably applicable to an application for permission in principle – which largely covers the same site area.

### **Summary**

In the light of the foregoing detailed responses to the reasons for refusal, it is submitted that :

- A) The majority of this site was approved for industrial use in advance of the finalisation of the 2017 LDP, the industrial capacity of the site was therefore known before the LDP zonings were confirmed. Accordingly, the assertion that its approval could prejudice the delivery of the LDP is difficult to substantiate.
- B) The use of the majority of the site for industry has already been approved, while the small section in the N.E. corner (which was not covered by the 2015 consent) should – as outlined above -be considered compliant with Countryside Policy R2.
- C) As the development of a low density high amenity business park cannot be accommodated in the town centre, its approval on the appeal site would not be contrary to Policy B2.
- D) As noted above, the issue of suitable site drainage is clearly resolvable, and could reasonably be covered by a planning condition.

Accordingly, the LRB is asked to overturn the decision of the officers, and grant planning permission in principle for this important development which will do so much to stimulate the Huntly economy.

In saying that, it is recognised that this would necessarily be a conditional approval, requiring further detailed discussions on siting, design, site layout, landscaping, and not least drainage matters.

John Wink Design.