

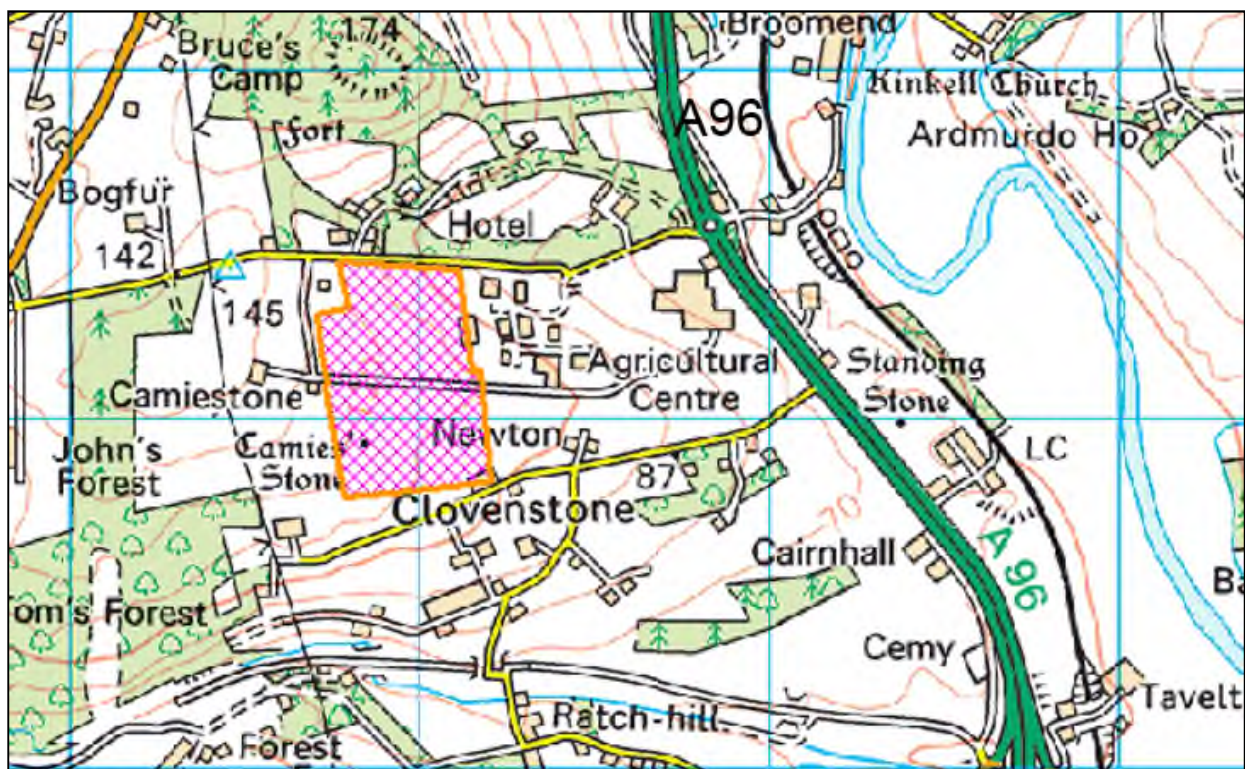
## Garioch Area Committee Report – 8 May 2018

Reference No: APP/2018/0140

**Description: Approval of Matters Specified in Conditions 1 (a) Phasing, (b) Levels, (c) Strategic Landscaping, (d) Drainage Connection, (e) Public Access Plan, (f) Travel Plan, 3 (Archaeological WSI), 5 (Camie's Stone Method Statement), 13 (Public Transport Accessibility) of Planning Permission in Principle Ref. APP/2015/3793 at Land to the West of Thainstone Business Park, Inverurie, AB51 5NT**

**Applicant: Thainstone LLP**  
**Agent: Halliday Fraser Munro Planning**

Grid Ref:	E:376954 N:818115
Ward No. and Name:	W12- East Garioch
Application Type:	Approval of Matters Specified in Conditions
Representations:	8
Consultations:	11
Relevant Proposals Map	Inverurie and Port Elphinstone settlement;
Designations:	Allocated site OP13 & SR2
Complies with Development Plans:	Yes
Main Recommendation:	Delegated Grant



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 planning application is seeking approval of Matters Specified in Conditions relating to an extant Planning Permission in Principle application reference number: APP/2015/3793. The permission was granted on 16 January 2018 for commercial development to include Class 4, 5 and 6 uses with associated infrastructure and landscaping. This permission was granted on appeal by the Scottish Government – PPA-110-2320.
- 2.2 The proposal comprises 26.3ha and is located to the immediate west of Thainstone Business Park. Thainstone Business Park is to the south west of the settlement of Inverurie and Port Elphinstone and to the west of the A96 between Aberdeen and Inverness. The application site would be accessed via Camiestone Road within the existing Thainstone Business Park, which connects to the public road serving the whole Thainstone area and exits to the A96 Trunk Road at the Thainstone roundabout. The site is bounded to the north by an unclassified road that serves a number of houses to the west of the centre and ends in a dead end approximately 1km west of the proposed developments.
- 2.3 The existing use of the land covered by the application sites is currently undeveloped agricultural land which is used as grazing pasture associated with the Thainstone Agricultural Centre. The main proposal is divided roughly in half by the existing Drovers Road which runs east to west from Thainstone Agricultural Market to Braeside Farm to the west. The Drovers Road is used for movement of livestock from the centre to access the grazing fields to the north and south of the track. The Drovers Road is not an identified core path and does not provide linkages to other core paths in the area. To the north of the Drovers Road are four roughly equal sized fields and there are a further three larger fields to the south. In the north east corner of the site and to the immediate north east of the Drovers Road are some wooded areas that are outwith the field boundaries. Towards the south east corner of the site is Camie's Stone which is a granite standing stone structure approximately 1.42m high and 1.9m wide. Outwith the application site approximately 175m south west of Camie's Stone is the Cloven Stone which is a collection of large boulders that have been incorporated into a stone wall.
- 2.4 There are a number of dwelling houses in the vicinity of the application sites. Camiestone Croft is located to the north-west corner and Braeside Cottages

immediately west of the main application. To the immediate south east of the site are three detached dwellings; Fairview, Hillview and Parklea. Further east are two further dwellings; Newton and Ardlogie. Further south of the application sites is the rural area of Clovenstone, which is a scattered development of crofts, farms and detached dwellings with a concentration of approximately 11 houses on the southern unclassified road that serves Clovenstone.

2.5 The entire site is designated in the Aberdeenshire Local Development Plan 2017 for employment use. The north-east half of the application is covered by the OP13 business designation which allocates the site for employment land. The south west half of the main proposal is designated SR2, which reserves the land for employment uses.

2.6 The associated Planning Permission in Principle application (APP/2015/3793 – Planning Permission in Principle - Commercial Development To include Class 4, 5 And 6 Uses with Associated Infrastructure and Landscaping) was refused at Garioch Area Committee on 23 August 2016 for the following reasons:

1. The inclusion of the SR2 land is contrary to policy given that the required level of employment land available is already exceeded. The application therefore does not comply with Policy 1 and SG Bus 1 of the Aberdeenshire Local Development Plan 2012.
2. The proposals will have a detrimental impact on transportation and difficulties with access to sustainable transportation already exist. The application therefore does not comply with Policy 9 and SG DC2 of the Aberdeenshire Local Development Plan 2012.

2.7 The following two applications were considered in tandem with APP/2015/3793 and presented to Garioch Area Committee at the same time. APP/2015/3748 was approved by the Garioch Area Committee, whereas APP/2015/3748 was refused. These are directly relevant to the current application.

APP/2015/3748 – Full Planning Permission - Formation of Access Road, Drainage Infrastructure and Associated Works – Granted September 2016  
Garioch Area Committee (23.08.2016)

APP/2015/3755 – Full Planning Permission - Installation of Drainage Infrastructure and Associated Works – Granted June 2017 on appeal (PPA-110-2321)

2.8 The above applications provide strategic infrastructure to serve the site. APP/2015/3748 provides the main spine road through the current site and links into Camiestone Road. APP/2015/3755 provides drainage infrastructure for the current site.

2.9 The above two refused applications were subsequently appealed to Scottish Ministers. The decisions were both overturned and consequently granted planning permission subject to a number of conditions.

2.10 Therefore this application is seeking approval for conditions attached to the Planning Permission in Principle (APP/2015/3793). Several conditions are

being addressed as part of this application, with others to follow at a later date:

- 1 (a) Phasing, (b) Levels, (c) Strategic Landscaping, (d) Drainage Connection, (e) Public Access Plan, (f) Travel Plan,
- 3 (Archaeological WSI),
- 5 (Camie's Stone Method Statement),
- 13 (Public Transport Accessibility)

- 2.11 The principal condition applied for is condition 1 which relates to the overall site. Conditions 3 and 5 relate to the impact on archaeology of the site and condition 13 relates to public transport accessibility.
- 2.12 A number of other conditions are attached to the extant approval, however these are not being considered under this application. It is worth noting that Condition No. 2 of APP/2015/3793 relates to site specific details and will only be assessed once occupiers of the individual sites have been identified. Furthermore there are separate conditions attached to APP/2015/3793 that relate to improvements to the A96 trunk road, specifically works to the Port Elphinstone and Thainstone roundabouts.
- 2.13 A number of specific elements of the development can be grouped together, namely layout, siting and landscaping, access, archaeology and technical matters.
- 2.14 The layout of the site will consist of a main distributor road that provides a loop through the site. A number of individual sites (Phase 1 – 11 units and Phase 2 – 8 units) will be accessed of this access road. No details of individual sites are being considered under this application. There is a requirement to undertake earthworks to accommodate the development, this is detailed in the site sections and bulk earthworks plans. In general the earthworks are limited and the site layout will generally follow the topography of the existing landform.
- 2.15 A number of elements of new landscaping is proposed across the site. Significant tree planting is proposed both on the site boundaries and to divide individual plots. An area of open space, with tree planting is proposed towards the north of the site, this will also include an off-road path network. Again no landscaping has been proposed for individual sites at this stage. This strategic landscaping is to address Condition 1 of the extant approval.
- 2.16 A transport note and addendum has been submitted to demonstrate that the site could be accessed by a variety of transport options. Existing access provision is described and measures are suggested that would enhance the current offering. This includes;
- installation of a number of infrastructure measures to encourage walking and cycling;
  - highlighting the current safe pedestrian and cycle routes and the upgrading of the cycle route to the south of the A96;
  - the development of travel plans through the appointment of a travel plan coordinator;
  - monitoring of travel patterns once occupation of the units commences;
  - dialogue with Stagecoach to provide divert an existing bus service;
  - Interim proposal to provide a shuttle services between the A96 and the site.

This is submitted to address condition 1 (e), (f) and condition 13.

- 2.17 It is proposed to relocate Cammie's Stone to a site to the north west of the existing ANM mart building.
- 2.18 A drainage report and plan has been provided to demonstrate how the site drainage infrastructure will connect in into the public waste water network.
- 2.19 A drainage statement has been prepared by Fairhurst which includes details of the site and wider drainage. This is accompanied by a plan showing the connection to the wider drainage network.
- 2.20 A landscape plan has been prepared by Highland Landscape Design. This provides specific details on the proposed landscaping.
- 2.21 A Transport Technical Note has been prepared by Fairhurst. This includes details on the proposals to address Condition 1e) Public access plan, 1f) a travel plan, and 13) public transport accessibility. An addendum has also been submitted.
- 2.22 A Written Scheme of Investigation and a methodology for the removal of Cammie's Stone and re-siting has been prepared by Cameron Archaeology.
- 2.23 Further supporting information was prepared by Halliday Fraser Munro. The letter dated 23 January 2018 gives some additional details on the conditions

### **3. Representations**

- 3.1 A total of 8 valid representations (8 objections) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 9 letters in total. All issues raised have been considered. The letters raise the following material issues:

#### *Process*

- *Full EIA and LVIA assessment is required therefore the EIA process has not been properly followed*
- *The Scottish Government reporter made a number of recommendations during consideration of the ALDP 2017 which have not been adhered to*
- *Phasing and landscape plan not in compliance with the ALDP*
- *No masterplan has been produced for the site*
- *There are discrepancies in the Scottish Government appeal*
- *A number of historic planning issues have been raised*

#### *Landscape*

- *Adverse impact on wider landscape including Bennachie*
- *Insufficient landscape 'buffer' for local residents*
- *Landscaping not sufficiently considered – no landscape study has been produced since 1988*
- *Tree survey (PPP) not accurate*
- *Proposed landscaping maintenance regime not suitable*

#### *Access*

- *Road congestion*

- *Road safety*
- *Proposed road improvements not implemented*
- *Non-motorised access not sufficient*
- *Insufficient travel plan*
- *Existing travel plan not working*
- *Distance from existing public transport too great*
- *No crossing provision on the A96*
- *Increase in cars*
- *Transport report flawed*
- *Pedestrian safety*

#### *Archaeology*

- *Reposition of Cammie's Stone not supported*

#### *Other*

- *Noise impact*
- *Smell impact*
- *Alternative options not utilised*
- *Phasing is disjointed*

## **4. Consultations**

- 4.1 **Business Services (Developer Obligations)** has indicated that contributions have already been secured for this application via a S69 legal Agreement (Upfront Payment) under APP/2015/3793 which will be applied to the current application. Therefore, in this instance, no additional contribution is required.
- 4.2 **Infrastructure Services (Archaeology)** has confirmed that the Camies Stone method statement meets the requirements of the condition (No.5) and the condition can be purified. It is also confirmed that the WSI has been received, however it is noted that the condition also required the completion of all the field work as well which, to date, has not happened.
- 4.3 **Infrastructure Services (Environment)** has confirmed that the proposed landscaping is acceptable.
- 4.4 **Infrastructure Services (Flooding & Coastal Protection)** has confirmed that the site lies outwith the medium likelihood (0.5% annual probability or 1 in 200 years) flood extent of the SEPA flood maps. It is noted that the submitted drainage assessment which details surface water drainage proposals which state post development runoff will not exceed that of the green field site. It is recommended that Scottish Water is consulted due to the fact that surface water discharge from Basins 01 & 02 would connect into the existing surface water sewer.
- 4.5 **Infrastructure Services (Roads Development)** has confirmed that Transportation has provided a comprehensive response to the updated Travel Plan. The updated information is also sufficient to allow the Roads Development team to withdraw its holding objection.
- 4.6 **Infrastructure Services (Transportation)** has agreed that the provision of a shuttle bus from the A96 trunk road to the proposed site will address two of the key concerns with respect to public access; bus passengers using the eastbound stops having to cross the A96 at peak times as well as the walking distance between the site and the bus stops on the A96. As a scheduled

shuttle service, it would also be available for pedestrians travelling to and from the east, again to avoid crossing the A96 at the Thainstone Roundabout.

The Technical Note states that Stagecoach are willing to divert some main line services into the site but are unable to commit at this time due to the timeframe of the likely occupation of the Business Park and details of occupiers.

All physical site-wide measures for encouraging walking & cycling listed in the Technical Note should be delivered prior to first occupation.

With the above measures in place and the shuttle bus provision agreed the Transportation Service are satisfied that Conditions 1e, 1f and 13 have been sufficiently discharged at this stage, understanding that further review of the Travel Plan process and accessibility measures can be undertaken for subsequent individual applications.

- 4.7 **Health and Safety Executive** does not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.
- 4.8 **Scotland Gas Network** confirms the presence of a High Pressure Gas Transmission Pipeline in the vicinity of the proposal and advises that the building proximity distance for the pipeline is 31 metres. It requested that the agent contact SGN to confirm the nature of the proposed works and depth of excavations.
- 4.9 **Scottish Environmental Protection Agency (SEPA)** does not object to the proposal but has requested that a condition is attached in regard to the submission of a Construction and Environmental Management Plan.
- 4.10 **Scottish Water** has confirmed that they have no objection to the proposal.
- 4.11 **Transport Scotland** does not object to the proposal.

## 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 P1 Layout, siting and design  
Policy P2 Open space and access in new development

Policy E1 Natural heritage  
Policy E2 Landscape

Policy HE1 Protecting historic buildings, sites, and monuments

Policy C4 Flooding

Policy RD1 Providing suitable services  
Policy RD2 Developers' obligations

## 6. **Discussion**

- 6.1 The aim of the matters specified in conditions (MSC) application is to provide detailed information on the consented planning permission in principle (PPP) application to ensure it meets the terms set out in the conditions attached. As stated, the principle of development has already been established under the previous application granted on appeal. Therefore the main issues to be addressed in the determination of this application is acceptability of the overall site layout, strategic landscaping, associated infrastructure and technical aspects and impacts on the site archaeology.
- 6.2 Despite the PPP being granted in terms of the policies within the Aberdeenshire Local Development Plan 2012, the policies contained within the Aberdeenshire Local Development Plan 2017 (ALDP 2017) are the main consideration in this case together with an assessment of any material planning considerations.
- 6.3 As noted above, two full planning applications have been granted for further works associated with the proposed major development. These are for drainage infrastructure and associated works (APP/2015/3755) and formation of access road, drainage infrastructure and associated works (APP/2015/3748). These are directly related to the site currently being considered.



- 6.4 It is worth reiterating that only some of the planning conditions attached to APP/2015/3793 are being considered as part of this application. Furthermore specific site issues and detail within plots will be dealt with under further detailed applications, these may take the form of later MSC applications or applications for full planning permission.

#### Layout, Siting and Design and Landscape

- 6.5 Condition 1 requires, amongst other things, details of the proposed site levels, strategic landscaping and phasing of development. This will inform the wider site layout, the impact of the development on the wider landscape and how the development may progress in the future. As noted, no specific site details are provided at this stage therefore no comment can be made on potential future development.
- 6.6 This condition is considered to assess the fundamental layout, siting and design of the wider site development and the impact on the wider landscape. Therefore the relevant policies contained in the ALDP 2017 Policy P1 Layout, siting and design, Policy P2 Open space and access in new development and Policy E2 Landscape.
- 6.7 Policy P1 supports new developments where they demonstrate the six qualities of successful places including being distinctive whilst respecting the local identity and creating a sense of place; being safe and pleasant; welcoming; adaptable; efficient and well connected. Overall, this policy seeks developments to be appropriately designed and scaled and in-keeping with the character and setting of the surrounding area and able to perform its expected functions with no impact on amenity.
- 6.8 The proposed development would be a natural western extension to the existing Thainstone Business Centre to the east and would be well screened from the A96 to the east by the existing development and topography. The site is also well screened to the north by mature woodland which also provides backdrop to the site when viewed from the south.
- 6.9 The application site is identified as being in the Central Wooded Estates Landscape Character area. The area occupies a substantial area to the east of Bennachie between the Dee and Don Valleys, extending to the western edge of Aberdeen. The landscape and topography in this area is varied with a common feature of dense woodland. The character of the area is rural with more concentrated development directed to settlements towards the northern part of the area. Land to the east and north of the application sites have been developed for commercial purposes.
- 6.10 Condition 1(c) requires appropriate strategic landscaping to be incorporated within the site both to aid the development to integrate into the local area and also to provide screening from the wider area. The proposed planting would build upon the existing woodland cover, provide screening to reduce visual impacts and suitably divide the individual plots thus reducing the massing.
- 6.11 Site sections have been submitted and indicate an appropriate mix of landscaping within the overall development. The overall principle of conserving the qualities of the landscape and rural setting has been displayed throughout the landscaping plan which works effectively with the open space

provision and the wider existing woodland. Together with submitted site levels it is evident that the landscaping proposal responds to the nature and topography of the site appropriately.

- 6.12 It is acknowledged that the development of the business park will have a visual impact on the wider area, and the erection of Use Class 4, 5 and 6 units will likely reflect what is currently located within the existing Thainstone site. However the principle of the development has been established and the role of strategic landscaping is to provide mitigation for the visual impact. It is accepted that the proposed buildings may not be fully screened from all directions, however the proposed landscaping will ensure that the impact is mitigated through terracing of the development and breaking up plots with green corridors once planting is established. As noted above, further applications will be required for the individual sites, which also includes a condition for site landscaping. This will further ensure that new buildings within this landscape are best fitted within the wider landscape.
- 6.13 The Planning Service, in consultation with Infrastructure Services (Environment) is satisfied with the quality and content of the landscaping proposals for this site and the development as a whole, as detailed on the submitted landscape plans.
- 6.14 The strategic landscaping proposed within the site promotes a number of area of open space and an area towards the north of the site contains a large area of open space including tree planting, open space and a path network.
- 6.15 It is acknowledged that a number of wayleaves bisecting the site restrict the use of some area of land, including the provision of landscaping.
- 6.16 An approved tree survey was agreed as part of the previous application and a planning condition was attached to ensure delivery of the recommendations contained therein.
- 6.17 Overall, the style, species and numbers of planting are acceptable and the maintenance has been appropriately outlined and it is recognised that landscaping should be carried out in accordance with this plan. This is considered to fulfil Condition 1 (b) and (c). Taking account of the sensitive setting, the proposals would not result in any detrimental impact on the wider landscape and is in accordance with Policy P1 and E2 of the ALDP 2017.

#### Archaeology

- 6.18 Aberdeenshire Council's Archaeology Service has confirmed that the relocation of Cammie's Stone is acceptable and the method proposed to undertake this is acceptable. A Written Scheme of Investigation was submitted and agreed, however it was noted that the archaeological mitigation works has yet to be completed. This involves monitoring of a soil strip and excavations and an area that requires a watching brief. It is acknowledged that this can be carried out and should not hold up the determination of this planning application.

#### Drainage

- 6.19 Although a full drainage assessment was approved as part of the previous application, a condition was attached to ensure a connection was deliverable

to the public waste network. Onsite drainage proposals are shown on the submitted drainage plans and detailed in the drainage statement. Flooding & Coastal Protection, SEPA and Scottish Water have all accepted the proposal and raise no objection.

### Access

- 6.20 A Transport Technical Note has been prepared by Fairhurst. This includes details on the proposals to address Condition 1e) public access plan, 1f) a travel plan, and 13) public transport accessibility. An addendum has been submitted to address concerns raised by Aberdeenshire Council's Transportation and Roads Development teams.
- 6.21 The submitted technical note has proposed a number of interventions to ensure the site can be accessed by a range of transport options. the following measures are proposed:
- Additional pedestrian crossing signage on the A96 approaches to the Thainstone Roundabout.
  - New signing at pedestrian crossing locations at the A96 Thainstone Roundabout advising pedestrians to Look Left / Look Right.
  - Tactile paving to be provided at crossing points at the A96 Thainstone Roundabout.
  - New pedestrian footway provision from the development connecting with the existing footways on Camiestone Road;
  - Provision of designated crossing points achieved via dropped kerb crossing and refuge islands;
  - Where practicable the internal road design would incorporate features that will encourage low vehicle speeds;
  - Reducing the speed limit on Camiestone Road to 40mph would enhance and encourage active travel to Thainstone Park and surrounding premises.
  - The speed limit could be further reduced to 30mph within the Thainstone Business Park, where the internal road network already benefits from street lighting.
- 6.22 The existing pedestrian and cycle routes are shown within the technical note.
- 6.23 The report includes details on the development of a travel plan framework and travel plan coordinator to ensure suitable travel options are appropriate for the site. Once individual sites are developed and occupied it is noted that travel survey will be required. A number of site wide travel plan measures have been proposed which will encourage people to travel throughout the site.
- 6.24 Much discussion has taken place on serving the site in terms of public transport options. The agent is currently in discussion with Stagecoach to divert existing bus services into the site, however it is acknowledged that this will not be agreed until the individual occupiers of the site are known. Therefore in the interim period a shuttle bus is proposed from the Thainstone roundabout. This will coordinate with the existing public bus service on the A96 and shuttle people to the proposed site. This will in effect remove two concerns; people crossing the Thainstone roundabout and the distance between the A96 and the proposed site.

- 6.25 Aberdeenshire Councils Transportation team have been in discussions with the agent regarding the above and the agreed proposals were found to be acceptable and addresses the concerns previously raised regarding public access to the site.
- 6.26 A number of objectors have raised concerns regarding increased congestion on the A96 trunk road, specifically the roundabouts at Thainstone and Port Elphinstone. The PPP approval specifically includes two conditions to deal with the aforementioned roundabouts;
7. Prior to the occupation of any of the development hereby approved, the proposed alterations to Thainstone Roundabout as illustrated in Fairhurst Drawing No. 105574/SK7004 (or such other scheme as shall have been approved in writing by the planning authority), shall be completed to the satisfaction of the planning authority.  
(Reason: in order to deliver mitigation on the Trunk Road network.)
8. Prior to the occupation of any of the development hereby approved, the proposed alterations to Port Elphinstone Roundabout as illustrated in Fairhurst Drawing No. 105574/SK7007 (or such other scheme as shall have been approved in writing by the planning authority), shall be completed to the satisfaction of the planning authority.  
(Reason: in order to deliver mitigation on the Trunk Road network.)
- 6.27 These will ensure that upgrades to the roundabouts will occur prior to occupation of any new building within this development.

#### Developer obligations

- 6.28 Developer contributions have already been secured for this application via a S69 legal Agreement (Upfront Payment) under APP/2015/3793 which will be applied to the current application. This is in compliance with Policy RD2 Developers' obligations.

#### Other technical matters

- 6.29 Scotland Gas Network (SGN) was consulted and confirmed the presence of a High Pressure Gas Transmission Pipeline in the vicinity of the proposal. It requested that the agent made contact to confirm the nature of the proposed works and depth of excavations. A discussion between the agent and Scotland Gas Network is ongoing, however this has previously been discussed as part of the previous application and it is believed that the issue can be resolved through submission of further information.

#### Representations

- 6.30 Many of the material planning objections raised have been fully discussed above however a number of objectors raised concerns regard the process undertaken and historical planning issues.
- 6.31 The EIA process was queried by a number of people in regards to the lack of an environment assessment or Landscape and Visual Impact Assessment. During the determination of the principal application (APP/2015/3793), the need for an EIA was considered; it was concluded separately that it was not required. As detailed above the effects which a project may have on the

environment must be identified and assessed at the time of the procedure relating to the principal decision. It was made clear at the time of the PPP application that no EIA was required, and again this was upheld by the appointed reporter.

- 6.32 The current application is considering further matters directly related to the PPP, however it is the Planning Service's view that no new significant environmental impacts have been raised within this application that were not considered as part of the PPP. Therefore in line with the guidance it is deemed that any significant environmental impacts have been considered as part of the principal decision making process.
- 6.33 This process undertaken is in full compliance with The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and the guidance provided in Circular 1/2017 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.
- 6.34 A number of issues were raised regarding historical planning decisions and processes regarding past and the extant local development plan. It must be reiterated that this application is seeking to address matters specified in the PPP approval, the principle of the development is not under consideration.
- 6.35 Concerns were raised in representations about the potential for the application to impact on the amenity enjoyed by local residents through noise and odour pollution. No details have been provided at this stage of the potential occupiers of the individual sites, therefore no amenity impacts have been identified.

### Conclusion

- 6.36 The principle of development has already been agreed therefore an inevitable degree of impact will arise due to the scale and nature of the overall development. However, it is the opinion of the Planning Service that this is an acceptable level in terms of the proposed layout, siting and design, landscaping proposals and infrastructure requirements.
- 6.37 Appropriate archaeological mitigation and remedial strategies are in place.
- 6.38 All technical consultee concerns have also been resolved.
- 6.39 Taking all this into consideration, the Planning Service consider that sufficient information has been submitted to fulfil the requirements of the conditions and the MSC proposals are therefore acceptable.
- 6.40 In conclusion, the Planning Service is satisfied that the proposal is compliant with all elements of the relevant specified conditions and in accordance with the policies contained within the Aberdeenshire Local Development Plan 2017 and is therefore recommended for approval.

## **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 would 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**

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 **That authority to GRANT Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:**
- (a) a satisfactory consultation response from Archaeology with regard to the carrying out of the required mitigation works as detailed in the submitted Written Scheme of Investigation;**
  - (b) a satisfactory consultation response from Scottish Gas Networks with regard to the proposed impact of works on its infrastructure;**
  - (c) any conditions arising the above; and**
  - (d) the following conditions:-**

1. No development shall commence, in any phase of development, until a site specific Construction and Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: In order to minimise the impacts of construction works on the environment.

2. No premises within the application site shall be brought into use unless the measures stated in the Fairhurst Technical Note dated 26 April 2018 are fully implemented. For the avoidance of doubt, this requires compliance with the site wide travel plan measures and subsidiary travel plan measures outlined, including for each end user so submit a Travel Plan for its site. Each Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

## 11.2 Reason for Decision

The Planning Service is satisfied that the proposal is compliant with all elements of the relevant specified conditions and in accordance with the policies contained within the Aberdeenshire Local Development Plan 2017 and is therefore recommended for approval.

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author: Matthew Watt (Planner)**  
**Date: 27/04/2018**