

## Marr Area Committee Report 22 May 2018

Reference No: APP/2018/0742

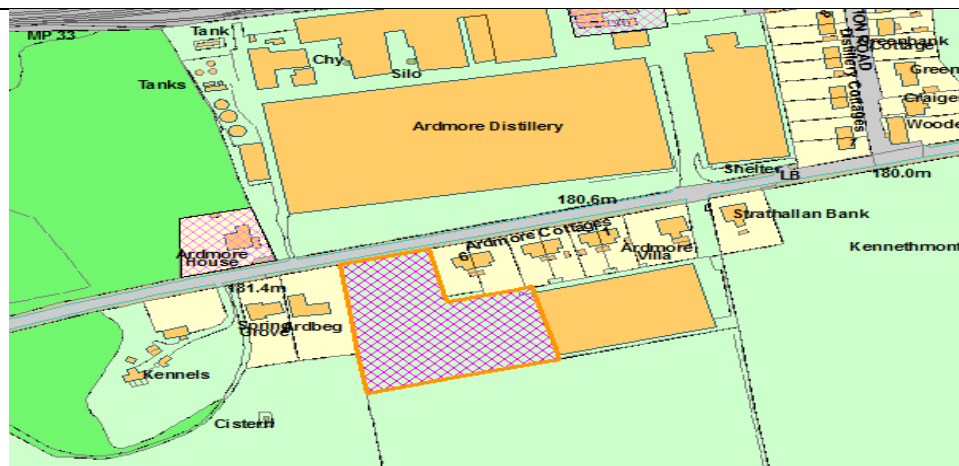
**Full Planning Permission For Installation of 12 LPG Gas Tanks, 2 Electric Vaporisers, Electrical Substation and 1.8m High Security Fencing, Formation of Access and Associated Road and Installation of Play Equipment at Land Adjacent To Ardmore Distillery, Kennethmont, Huntly, Aberdeenshire, AB54 4NH**

**Applicant:** Mr Gordon Grant, Beam Suntory, Ardmore Distillery, Kennethmont, Huntly, AB54 4NH

**Agent:** Macleod+Jordan, 16 Albert Street, Aberdeen, AB25 1XQ

Grid Ref: E:355228 N:829063  
Ward No. and Name: W14 - Huntly, Strathbogie And Howe Of Alford  
Application Type: Full Planning Permission  
Representations: 0  
Consultations: 2  
Relevant Proposals Map: Aberdeenshire Local Development Plan

Designations: Rural Housing Market Area  
Complies with: No  
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.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 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 installation of 12 LPG gas tanks, 2 electric vaporisers, electrical substation and 1.8m high security fencing, formation of access and associated road, and installation of play equipment on land adjacent to Ardmore Distillery, Kennethmont.
- 2.2 Kennethmont Distillery is located along B9002, short distance from the main Kennethmont settlement. The application site is within protected land P3 (designated playing field as an amenity for the village) in the Aberdeenshire Local Development Plan 2017. The site of the amenity space currently measures approximately 24065sq.m.
- 2.3 This proposal seeks to subdivide the L-shaped amenity space to create two parcels of land, one for amenity space and one for the installation of the 12 LPG gas tanks, 2 electric vaporisers and electrical substation. This proposal will reduce the overall amenity space from approximately 24000sq.m to 4400sq.m.
- 2.4 The new parcel of land for the amenity space will contain the following equipment; 2 timber picnic benches, 2 timber seats with galvanised steel frame, protection matting with 2 bay stainless steel frame swing with 2 flat seats and 2 cradle seats.
- 2.5 As indicated previously, the site is currently L-shaped amenity space, and the proposed access will be located closely to the west of the new amenity space, running southwards into the site, and looping round a grassed area to service the LDP tanks, which sit to the eastern end of the lower part of the L shaped site. There is an existing drop kerb taken from B9002 to the site, which shall serve the access. The 12 LPG tanks and 2 electric vaporiser tanks will be sited to the rear (south) of 6 Ardmore Cottages and sandwiched between the new turning area and the existing distillery warehouses. The LPG tanks will be installed in two banks of six tanks, with a 3m high wall providing separation. Furthermore, the 12 LPG tanks and 2 electric vaporiser tanks will have a 1.8m high dark green security wired mesh fencing around the perimeter, and 1.2m timber boundary fence around the retained and enhanced amenity space. The

electric substation will be located to the south west, and close to the LPG Tanks.

- 2.6 The applicant has submitted a supporting statement which indicated that the proposed 12 LPG gas tanks, 2 electric vaporisers, electrical substation will serve Ardmore Distillery, and it will change the primary energy source at Ardmore Distillery from direct-heating (coal-fired flame) to in-direct heating (steam) to meet the distillery heat energy needs, and help reduce running costs and improve efficiency. Various site options have been considered, but proximity, amenity, land ownership and visual impacts have resulted in this being the preferred option.
- 2.7 A letter has also been submitted confirming engagement with neighbours prior to submission, and a result of the responses. The result of the responses, though low in number compared to the number of properties consulted, demonstrates general support for the development, welcoming the enhancement to the remaining open space.

### **3. Representations**

- 3.1 No valid letters of representation have been received.

### **4. Consultations**

- 4.1 **Infrastructure services (Environmental Health)** have no adverse comments to make.
- 4.2 **Infrastructure services (Roads Development)** does not object to this application subject to conditions relating to paving of the access, visibility splay suitable turning area and kerbing.

### **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 E2 Landscape  
 Policy P6 Community infrastructure  
 Policy PR1 Protecting important resources

## 5.4 Other Material Considerations

None

## 6. Discussion

6.1 Legislation requires decisions on planning applications to be made in accordance with the development plan, unless material considerations indicate otherwise. In this case the primary consideration is the Aberdeenshire Local Development Plan 2017. The key issues to be considered in the assessment of this application are as follows:

- the principle of the development
- whether the community have adequately been consulted on the proposals before making the application for consent
- whether there is realistic alternative or option for the siting of the development
- how the proposal would affect the community
- landscape and visual impact of the development and

6.2 As indicated earlier, this proposal seeks to subdivide the amenity space (protected land P3) to create two new parcels of land comprising a new amenity space and space for the installation of the 12 LPG gas tanks, 2

electric vaporisers and electrical substation. The proposal also includes use of the existing access taken from B9002, and formation of a new tuning area.

- 6.3 The loss of the protected P3 area is not supported by Policy PR1 Protecting important resources. This policy specifies that development will not normally be permitted on areas of open space, including outdoor sports facilities, unless the new use is ancillary to the use as open space. From above, it is obvious the installation of the 12 LPG gas tanks, 2 electric vaporisers and electrical substation does not meet the terms of Policy PR1 Protecting important resources. However, anecdotal evidence has been provided to state the P3 site is not known locally as amenity space, historically it was green space for use by the distillers' cottages, and over time it was informally used for recreation, before it was allocated in historical Local Plans, and retained as protected amenity space since.
- 6.4 Whilst the proposal would see the loss of a large portion of the protected site, the applicant was encouraged at pre-application stage to engage with the local community. Those who responded signalled support for the enhancement of the open space that is to remain, which does demonstrate that there is little concern about the loss of the volume of open space, but support for enhancement of a smaller area of open space. This enhancement is very much in keeping with the aspirations and intentions of Policy P6, and the proposal will result in a more focussed recreational area of open space than what currently exists. Policy PR1 seeks to protect open space, and this proposal will reduce a large area of public open space in the village, contrary to PR1. However, this reduction in quantity of open space is offset through the enhancement of the quality, which the Planning Service considers to have a neutral impact in terms of the remaining functionality and expected use of open space in the area, and the Planning Service are therefore content with supporting the proposal as a departure from P6 and PR1 of the LDP.
- 6.5 Further reason to support the proposal as a departure comes from the energy efficiency enhancement, and associated economic development and business support to the distillery, from the installation of LPG tanks. The applicant has indicated that the choice of the proposed location for the LPG tanks has been taken after due consideration of all potential options on the site. Ardmore Distillery does not have much available space - it is effectively locked between the railway line (North), the B9002 (South), Station Road dwellings (East) and National Trust property, the Pittendreich Woods on Leith Hall Estate (West). Following their investigations, they concluded that the proposed location is ideal for the development, providing an electrical supply, which would be spurred straight off of the overhead power supply line running from Earlsfield to a pole-mounted transformer at the corner of Warehouse No.9. This location would also be ideal for safe access to the B9002 for delivery vehicles, reducing the heavy congestion on the distillery main site. It is regrettable that this option lies on protected amenity space, however the offer of benches and swings to the remaining part of the amenity space will offset the loss, as outlined above. The delivery of the amenity space and equipment shall be conditioned to ensure it is in place prior to the LPG tanks becoming

operational, thus ensuring the public are not at a loss or inconvenienced for any significant period of time.

- 6.6 Regarding any potential nuisance, the land use of the vicinity of the site is mixed, comprising residential properties, distillery and farm land. Infrastructure Services (Environmental Health) have no adverse comments to make on the application. In this case, it is not anticipated there will be significant issues of nuisance from loading and unloading of the gas canisters and cylinders.
- 6.7 Turning to landscape and visual impact, Policy P1 Layout siting and design seeks to ensure that, amongst other things, new development is appropriately designed and respects the setting in which it is, and Policy E2 Landscape outlines the Council's approach to development which may affect the landscape of Aberdeenshire. It seeks ensures that the landscape is afforded adequate protection against inappropriate development, to maintain and improve the overall quality of the landscape. Having assessed the location and scale of the development, the siting is judged appropriate as the gas cylinders will not be overly visual, or detrimental to the character and appearance of the area. They tanks will be considerably screened locally by fencing enclosures, and will sit within comparable scale when viewed from the wider landscape by Ardmore Cottages and the warehouses. Unanticipated visual intrusion will be minimal and will certainly not be harmful, particularly from the B9002. The proposal therefore complies with Policy P1 Layout, siting and design and Policy E2 Landscape.
- 6.8 One final matter, relating to Health and Safety, even though there are residential properties in the area, there is no expected increase in risk associated with the proposed installation of LPG tanks. For information, the distillery itself is a hazardous site due to the volume of alcohol (explosive) held on site. New development within or close to such a hazardous site can have impacts in terms of public health and safety. However, the nature of the existing and proposed open space, and the local population who would use the open space, is not considered to change as a result of this proposal, therefore there is no expected increase in risk associated with the adjacent hazardous installation. It is on this basis that the Planning Service have not engaged the Health and Safety Executive. Furthermore, the volume of LPG to be used on site falls short of the requirements for Hazardous Substance Consent.
- 6.9 In conclusion, the proposed LPG tanks will help the distillery's long term sustainable credentials, and whilst there is a loss of open space, which is protected within the LDP, the remaining amenity space will see some enhancement, which in turn offsets the loss in volume of open space. The Planning Service are therefore minded to support this proposal as a departure from Policy P6 Community infrastructure and Policy PR1 Protecting important resources 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. Implications and Risk**

- 8.1 An equality 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.
- 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 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.

## **10. Departures, Notifications and Referrals**

### **10.1 Strategic Development Plan Departures**

None

### **10.2 Local Development Plan Departures**

Policy P6 Community infrastructure  
Policy PR1 Protecting important resources

- 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 GRANT Full Planning Permission subject to the following conditions:-

01. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 2.0m by 120m to be formed on either side of the junction of the vehicular access with the public road has been provided from the existing edge of the carriageway surface along the centre line of the approved road in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

02. The junction that the proposed vehicular access forms with the public road to be kerbed to radii of 7.8m, the minimum width at the throat of the bell mouth so formed to be 5m. The area within the bell mouth & for a minimum distance of 10m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access, & shall be surfaced with dense bitumen macadam or asphalt.

Reason: To ensure the provision of a means of access to an adequate standard in the interests of road safety.

03. No works in connection with the development hereby approved shall commence unless the vehicular access and turning area have been provided and surfaced in accordance with the approved details. The access shall be constructed to the Council's Standards for Road Construction Consent and Adoption and the first 10 metres from the edge of the public road shall be full paved, and be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, the access and turning area shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access to an adequate standard in the interests of road safety.

04. Prior to the LPG tanks coming into use, the play equipment shall be provided on site.



Reason: To ensure the timely delivery of the community gain, which offset the loss of open space

**11.2 That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan.**

The loss in quantity of protected amenity space is offset by the enhancement in quality of the remaining portion of amenity space, offering no net loss to the community. The proposed installation of 12 LPG gas tanks and associated infrastructure will be of benefit to an established business, bringing economic enhancements to the local economy. The proposal is therefore supported as a departure from Policy P6 Community infrastructure and Policy PR1 Protecting important resources of the Aberdeenshire Local Development Plan 2017.

**Stephen Archer**  
**Director of Infrastructure Services**

Author of Report: Emmanuel Hiamey  
Report Date: 7 May 2018