



Garioch Area Committee Report – 25 June 2019

Reference No: APP/2018/2226

Description: Full Planning Permission for Change of Use from Use Class 6 (Storage and Distribution) to Use Class 5 (General Industrial) at South Fornet Estates, Dunecht, Westhill, Aberdeenshire, AB32 7BX

Reference No: APP/2019/0083

Description: Full Planning Permission, Use of Land for Class 5 (General Industrial) and Erection of Fence

Applicant: South Fornet Estates Ltd

Agent: Taylor Architecture and Building Consultants Ltd

Grid Ref:	E:378583 N:810878
Ward No. and Name:	W13 - Westhill And District
Application Type:	Full Planning Permission
Representations:	APP/2018/2226 (1 Objection) APP/2018/0083 (0 Objection)
Consultations:	5
Relevant Proposals Map	Countryside, AHMA
Designations:	
Complies with Development Plans:	Yes
Main Recommendations:	Grant



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.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and they are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 This report relates to two separate but inter-related planning applications. Full planning permission is sought for a change of use of a shed from Use Class 6 (Storage and Distribution) to Use Class 5 (General Industrial). One further full planning application has been submitted for ancillary external land to be used for Use Class 5 and the erection of a fence. Both of these applications relate to Unit 1 of the wider South Fonet development.
- 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) or Glasgoforest (3km to the north west 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 buildings, farmhouse and associated cottages which all lie on the north side of the public road. Access to the site is by an existing track to the east of the building which extends on a minor slope towards the public road to the south. The track is also shared by Nos. 1 and 2 South Fonet Cottages, sited 10 metres to the east.
- 2.3 This application relates to an existing shed within the complex of buildings and to which the applicant refers to as “Unit 1.” Unit 1 is positioned at the north east side of the main group of buildings.
- 2.4 Unit 1 is typical of farm buildings of the 1950/60’s, with externally rendered concrete block construction with profile sheeting to pitched roof and upper wall sections. Large access doors exist on the south elevation. The shed is of a substantial size with dimensions 21.5 metres wide on the south elevation and 36.5 metres in length, 6.4 metres to eaves and 9.4 metres to ridge.
- 2.5 This application follows on from an application for change of use of the existing shed to Use Class 6 (APP/2015/0658). The application for the change of use of the shed was refused by Garioch Area Committee at its meeting on 3 June 2015 but thereafter granted on appeal for a temporary period of three years from 30 December 2015. A previous planning application (APP/2014/0320) for Change of Use from Agricultural Building to Storage and Distribution (Class 6) was approved by the Garioch Area Committee in May 2014 for a temporary period until 31 December 2014. The detail of these applications is discussed further in the discussion section of this report.

- 2.6 Furthermore an application was approved for full planning permission for the change of use of ground and erection of a fence, directly related to Unit 1. A planning condition was attached to this approval to run concurrently with the temporary permission applied on Unit 1; i.e. expiring on 30 December 2018.
- 2.7 The retrospective planning application for Units 4 & 5 (APP/2015/0663) for the change of use to Class 5 (General Industrial) was granted for a temporary period of up to two years at the 2 June 2015 meeting of the Garioch Area Committee, in order to allow the businesses involved time to find alternative more appropriate premises for the proposed uses and relocate. A further application (APP/2017/1802) to allow this use to continue in perpetuity was refused by Garioch Area Committee on 31 October 2017. Following this decision, the proposal was granted full planning permission on appeal on 25 April 2018 giving unrestricted occupation of these units as the Reporter concluded that the former agricultural use was redundant.
- 2.8 The following applications therefore concern the agricultural shed to which this application relates:
- APP/2015/0658 Change of Use from Agricultural Building to Storage and Distribution (Class 6) without Complying with Condition 1 of Planning Permission Reference APP/2014/0320, granted on appeal (PPA-110-2288) for a temporary period of 3 years from 30.12.2015
 - APP/2014/0320 Change of use from agricultural building to storage and distribution (Class 6) - Approved 16.05.2014 (temporary approval until 31 December 2014)

All below noted applications lie within the complex of agricultural buildings:

- APP/2017/1802 Continued Use of Building for Class 5 (General Industrial); Non Compliance with Condition 1 (Time) of Full Planning Permission Ref. APP/2015/0663 – granted on appeal (PPA-110-2350) 25.04.2018
- APP/2015/0663 Change of Use of Building from Agricultural to Class 5 (General Industrial) (Retrospective) - Approved temporary period for 2 years from 14.07.2015.
- APP/2012/2578 Erection of replacement dwellinghouse and part change of use of site from agricultural to residential approved 19.12.2012
- APP/2009/0520 Conversion of steading to form farm office and workers accommodation Granted 19.08.2009
- APP/2005/1602 Change of use of dwellinghouse and ancillary office to office refused and appeal sustained – 09.08.2006
- APP/2009/1615 Alteration, extension and change of use of office to form dwellinghouse refused and appeal dismissed – 09.02.2011
- 99/4884/01 Erection of replacement dwellinghouse refused

- 94/480/01 Change of use from store to fat refining process unit granted 31.05.1994

2.9 No physical changes are proposed to the building or external space as part of this application and the fence has already been partially erected around the site boundary. It is not clear at this stage who may occupy the proposed unit.

2.10 A noise impact assessment was submitted as part of this application to assess potential noise on the neighbouring dwellings.

2.11 No variations or amendments were required as part of the assessment.

3. Representations

3.1 A total of 1 valid representation (objection) has been received against APP/2018/2226 (building) as defined in the Scheme of Governance. All issues raised have been considered. The letter raises the following material issues:

- *Site area inconsistencies;*
- *Compliance with Policy R2 not demonstrated;*
- *No Parking Provision;*
- *Roads, Transport and Travel;*
- *Noise and Lightning.*

4. Consultations

4.1 **Infrastructure Services (Environmental Health)** does not object to the proposal subject to a condition on noise emissions from the site.

4.2 **Infrastructure Services (Contaminated land)** has confirmed that there does not appear to be any issues of concern under the Environmental Protection Act 1990: Part IIA Contaminated Land, therefore no further information is required.

4.3 **Infrastructure Services (Roads Development)** requested further information on parking provision across the wider site. It was stated that the entire site has a parking requirement of around 60 spaces. The applicant has submitted a plan demonstrating more than sufficient parking is available therefore Roads Development does not object to the proposal.

4.4 **Infrastructure Services (Transportation)** has no comment on this application.

4.5 **Echt and Skene Community Council** objects to the development on the following grounds. Please also refer to Appendix 1.

- The current permissions for Change of Use from Agricultural to Class 6 at South Fornet expire at the end of December 2018. This application therefore needs to be assessed against the rural development policy which requires any change of use to be small scale. It has not been demonstrated that the proposed Class 5 use would be small scale.

- The narrow single-track access roads are not suitable for the increased use by HGVs and commuter traffic which would be generated by intensification of industrial activity at South Fornet.
- There are insufficient options for sustainable travel to South Fornet since it is remote from public transport and too far from any settlements for employees to walk to work.

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.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

5.3 Aberdeenshire Local Development Plan 2017

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy P4 Hazardous and potentially polluting developments and contaminated land

Policy RD1 Providing suitable services

5.4 Other Material Considerations

As noted above there is a significant planning history associated with this site including temporary approvals for business use within Unit 1. A significant material consideration is the appeal decisions regarding Unit 1 (PPA-110-2288 and Units 4 & 5 (PPA-110-2350).

6. **Discussion**

Background

- 6.1 This application is for the change of use of Unit 1 from Use Class 6 (Storage and Distribution) to Use Class 5 (General Industrial), at South Fornet, Westhill. Further to this is an application for an associated external area to be used for Use Class 5 (General Industrial). The site lies on land designated as countryside within the Aberdeen Housing Market Area.
- 6.2 The key planning issue for these applications is whether it is appropriate to effectively allow an 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 change of use from Use Class 6 to Use Class 5, both within the shed and the external space surrounding the shed. In December 2015 approval was granted, by appeal, for the change of use of Unit 1 from agriculture to Class 6 (General Industrial). This approval included a planning condition to limit the proposal for a temporary period for three years from the date of the approval. This planning approval effectively expired on 30 December 2018.
- 6.4 Therefore it is necessary to first examine the previous planning approval on this site and the reasons that the planning appeal was granted and why the specific time condition was attached. Furthermore a more recent planning appeal, in connection with units 4 & 5 needs to be examined to understand the overall position of the wider site.
- 6.5 Section 2 provides the background to this application and the significant recent planning history for the site. The most relevant proposal is APP/2015/0658 which was refused by Garioch Area Committee but was subsequently granted on appeal for a temporary period of 3 years from 30 December 2015. The justification put forward by the Reporter for supporting the principle of development is material to the consideration of this current planning application. The justification provided by the reporter states:

“While I have not seen any evidence of attempts to market the unit for sale or lease for such a purpose, neither have I seen any evidence of agricultural demand. In general, farmers prefer to have storage buildings adjacent to their main steading and their own fields. It appears to me unlikely that future agricultural use of Unit 1 would take place. I therefore consider the unit disused and redundant for its designed purpose. Even if another farm user could be found, I consider that the impacts on the surrounding environment in terms of movement of farm machinery and goods vehicles on the local roads would not be very different from the proposed Class 6 use.

With an area of 785 square metres, the appeal site is well within the 0.5 hectare guideline that defines small-scale development. The planning unit under consideration is Unit 1, and I reject the view that the whole South Fonet site (which has a mixture of uses, not currently including Class 6) has to be taken into account. Even if the cumulative area of buildings devoted to employment uses is considered, the total is still less than 0.5 hectare. The proposal is therefore for small-scale development on a redundant site, and I consider that it would be consistent with SG Rural Development 1

In terms of Policy 3, it appears to me that the overall social and economic wellbeing of the rural community could equally well be met by locating the proposed use on an allocated site in one of the settlements, such as Westhill. However, the policy supports a wide range of economic development that helps to improve the rural economy, and I think the proposal would be consistent with that aim. On balance, therefore, I find that the proposal accords with Policy 3”.

6.6 The reporter goes on to state that:

“It remains the case, however, that the land at South Fonet is not allocated by the development plan for employment uses - such uses are better located on allocated sites where accessibility, including public transport, is better and the potential impact on the surrounding area can be better accommodated. Such impact is likely to be less for storage use than for general industrial use, and I note that the temporary planning permission for industrial use of other units at South Fonet assumes these will relocate by the summer of 2017”.

6.7 It is worth noting that the reporter therefore set a time limit on the use of Unit 1 for Class 6 purposes so that the position can be reviewed once the Class 5 permission for the other units (Units 4 & 5) has expired. The reason given by the Reporter for this condition was “in order to allow the sustainability of the continuing use of the site for storage and distribution purposes to be reviewed in the light of experience.”

6.8 Further to the above an appeal decision on application APP/2017/1802 – (Units 4 & 5) was considered and supported by the DPEA. The reporter states;

“Policy R2 of the Aberdeenshire Local Development Plan seeks to restrict housing and employment development proposals in the countryside area to small scale development. In addition, the policy specifies a number of further criteria to be met. The glossary defines small scale, which in the case of employment development, is a site of less than 0.5 hectares and employing 5 or fewer full-time people.

It is the council's view that whilst the combined size of Units 4 and 5 is below the 0.5 hectare threshold, as a result of 15 people being employed between the two businesses, the proposal does not meet the definition of small scale. The council acknowledge that employees of the business also work within the office accommodation at South Fornet, however they conclude that as a result of the relationship with the office and the other units in the complex it is not appropriate to consider the development as a standalone proposal.

Objections to the proposal consider that the area of the development exceeds the 0.5 hectare threshold as this should be calculated by including the area of all parts of the site which are occupied by Aleron and ROVQUIP. This would include the office, Unit 1 (used as storage), the yard frontage to Unit 1 and the yard areas to Units 4 and 5.

Whilst I fully acknowledge the clear relationship between the units on the South Fornet site, I agree with the appellants that they are separate planning units. The office for example is also occupied by other companies and there is no planning limit on the number of staff that can be located within the office. I therefore conclude that the proposed development meets the definition of small scale as set out within the glossary of the local development plan.

One of the criteria of policy R2 is to restrict development proposals in the countryside to that which involves remediation or redundant brownfield land opportunities.

The appellants submit that only Units 3 and 6 are required to support the ongoing agricultural operations, as the agricultural land at South Fornet is now contract farmed by others, who have their own farm buildings elsewhere. The appellants refer to a previous appeal decision for the change of use of Unit 1, where the Reporter concludes that in principle, Unit 1 could be used by another farming business, whose main operations are located elsewhere. However, the Reporter notes that in general, farmers prefer to have storage buildings adjacent to their main steading. I note the similarities with this appeal and I agree with this conclusion.

I therefore conclude that, on balance, the agricultural use is redundant”.

- 6.9 Therefore, two appeal decisions have stated that each unit should be considered as separate planning units and in both cases each unit has been acknowledged as small scale development and therefore in compliance with the relevant policy. It is also made clear in the appeal reports, that the reporter accepts that Units 1, 4 & 5 are ‘redundant’, in terms of agriculture. This meets the policy requirements for redevelopment of the site under the relevant rural development policy. When units 4 & 5 were approved on appeal there was no time limited condition applied, therefore it can only be deduced that the approved use was acceptable in perpetuity. Furthermore the appeal decision associated with Unit 1 applied the temporary time condition to assess the overall impact of the various units across the wider site. The current situation, with Units 4 & 5 permanently retained as Use Class 5, would then appear to partly forgo the original reason why the temporary condition was attached to unit 1.
- 6.10 The planning history associated with the wider site is a significant material consideration in the determination of this application.

Principle

- 6.11 The key policy that the above application must be considered against is Policy R2 Housing and employment development elsewhere in the countryside, this states that “we will restrict development proposals in the countryside area outwith the Aberdeen greenbelt and coastal zone to small-scale development that would:
1. be appropriate in the greenbelt (see Policy R1: Special rural areas); or
 2. involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
 3. involve remediation of redundant brownfield land opportunities.
- 6.12 The above policy supports new business development in the countryside if, amongst other qualifying criteria, it is for development that is for the refurbishment or replacement of an existing or disused building, or it is on a site which has previously been developed and is now redundant. It also makes it clear that small scale development may be accepted in areas of the countryside, subject to other policy requirements. The term small scale development, in this instance allows for up to 0.5ha of employment land.
- 6.13 As per the reporter’s conclusion, Unit 1 is a large redundant former farm building. There has been no change in circumstances brought to the attention of the Planning Service and therefore it is difficult to come to a different conclusion. The reporter has also unequivocally stated that each unit should be considered as a separate planning unit. This application site is 0.08ha and the ancillary yard area is 0.1ha, therefore well under the stipulated 0.5ha. In this case, it is considered that this scale of development is considered acceptable owing to the size of the overall development.
- 6.14 Part of the reason previously given by the reporter, was so the use of Unit 1 for storage and distribution purposes could be reviewed in the light of experience (over a three year period). Although this application seeks a Class 5 instead of Class 6 use, the Planning Service is not aware of any adverse experiences that have occurred from the temporary use of the site. Based on the reason given for the temporary use, it is therefore reasonable to assume that experience has demonstrated that a commercial / industrial use is appropriate in principle, subject to other factors being satisfactory; these will be discussed later in the report.
- 6.15 In conclusion, it has been determined that the existing Unit 1 building is now redundant for its designed purpose and therefore it is acceptable to consider this as previously developed land. On balance, it must therefore be conceded that the temporary permission has served its purpose and redevelopment of Unit 1 into another use can be supported under Policy R2 of the Aberdeenshire Local Development Plan 2017 and in line with previous appeal decisions.

Layout, Siting and Design

- 6.16 No external alterations are proposed as part of this application and therefore visually the proposed change of use of Unit 1 would have no impact on the wider setting of the area. In terms of the yard, the fence has already been partially erected as permitted under the previous temporary approval. The purpose of the fence is to contain the external storage and avoid equipment

spilling out onto the adjacent track whilst providing eye level screening thereby reducing the overall visual impact of the development. It is noted that various pieces of equipment were located outside during the site visit, although it is accepted that the existing wooden fence provides a certain degree of screening from the public road. The Planning Service accepts that the existing building and screen fencing is not incompatible with the neighbouring land uses and visually forms a part of the overall South Fornet business. Clearly the area around Unit 1 will serve as an ancillary function to the activity within the shed, therefore it is accepted that equipment may be positioned within this area along with some element of parking provision. Overall, the change of use of the shed and the ancillary external area does not significantly impact on the wider landscape and is appropriate for the rural setting. A condition will be added to ensure the fencing is completed in accordance with the submitted plans. With this in place, it is considered that the proposal is not in conflict with Policy P1.

Amenity Impacts

- 6.17 A noise impact assessment was submitted to address concerns regarding the impact of the development on nearby residential properties. Background noise measurements were taken in the vicinity of the nearest residential houses and also measurements were taken inside Unit 2, when maintenance and servicing of ROV auxiliary equipment was being carried out. The results demonstrated that if Unit 1 is used as a fabrication workshop then this would have a moderate/large impact and if the unit is used for servicing of equipment then it would have a slight impact. It is worth noting that both nearest residential properties are owned by the applicant.
- 6.18 The Planning Service acknowledges that the occupier of Unit 1 is unknown, however, there is an indication that the ROV equipment business currently located in Unit 2 may move into Unit 1, although this is yet to be confirmed.
- 6.19 The Planning Service accepts that the actual business conducted in Unit 1 is not confirmed, and if permission was granted for a Class 5 use then any general industrial process could be conducted within this unit. However, in order to ensure that the amenity impact on the nearest residential properties is acceptable a planning condition would be attached to ensure any additional noise increase can be controlled. Infrastructure Services (Environmental Health) is satisfied with the submitted noise impact assessment and has suggested a condition that would ensure the noise at the nearest residential dwellings remains within acceptable limits, whilst investigations and action could also be undertaken under the Environmental Protection Act 1990.

Transportation and Access

- 6.20 Concerns were raised in the letters of representation over the intensification of the use and the resultant impact that this will have on the local road network. A number of passing places have already been formed along the public road in agreement with the Roads Development service. While it is acknowledged that the local road network may be impacted by the change of use, the recent history of uses must be considered, lack of specific incidents and reporters conclusion that vehicles generated by industrial / commercial use may be no different to a busy agricultural business. It must also be recognised that Roads Development has no objection to the proposed development.

- 6.21 Whilst the Planning Service acknowledges that the overall development of the site has, and continues to, alter the original land use and therefore the type of vehicles using the road, this appears to be satisfactory to consultees and in accordance with Policy RD1 for adequate access. The matter of sustainable travel options have been considered as part of previous applications. Options are limited at this site, however it is accepted that this proposal is small scale rural development and by its very location may have limited travel options. This proposal is for a single unit to be used as an industrial unit, therefore there is an argument that it would be onerous on the applicant to provide new sustainable travel options.
- 6.22 In conclusion, neither Roads Development nor Transportation have objected to the application on road safety grounds and access and no related conditions are proposed.

Other matters

- 6.23 A number of other points have been raised in the letter of representation that have not been addressed above. The submitted plans concerning the shed and external area clearly show the area under consideration. To clarify no area outwith the proposed site boundaries is being considered as part of these applications.
- 6.24 It has been demonstrated that there is sufficient parking across the wider site for all the businesses at South Fornet, and Infrastructure Services (Roads Development) has confirmed it is satisfied with this. No lighting is proposed as part of this application.
- 6.25 In conclusion, the Planning Service has sought to control the spread of commercial and industrial development at South Fornet as it was not considered an appropriate location for such development in the context of the strategy set out in successive local development plans. However, the planning history and material considerations in the form of the appeal decisions must be given significant weight and on balance matters of principle and accessibility have been established as acceptable. Other issues related to residential amenity, design and landscape impact are arguably secondary but have been demonstrated to be acceptable in this case. Therefore, on balance the Planning Service supports these proposals and recommends both applications 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 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 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. Recommendations

APP/2018/2226 (building)

11.1 **GRANT Full Planning Permission subject to the following condition:-**

1. Noise emitted from the site expressed as LAeq (1 hour) between 0700 and 1700 hours Monday to Saturday, excluding public holidays, shall not exceed the existing background noise level (as detailed in the noise impact assessment dated 23rd May 2019) by more than 3 dBA when measured at 3.5 metres from the external façade of any noise sensitive premises. At any other time noise from the site shall be inaudible at such position.

Reason: In the interests of the amenity of the occupiers of residential properties.

APP/2018/0083 (yard)

GRANT Full Planning Permission subject to the following conditions:-

1. Within 3 months of the date on this decision notice, the fencing as shown on plan 153 L(90) 003 shall be fully erected.

Reason: In the interests of the visual amenity of the surrounding area.

2. That from the date on which this planning permission is granted, the external storage of materials on any part of the site shall not exceed 3m in height without the prior written approval of the Planning Authority.

Reason: In the interests of the visual amenity of the surrounding area.

3. Noise emitted from the site expressed as LAeq (1 hour) between 0700 and 1700 hours Monday to Saturday, excluding public holidays, shall not exceed the existing background noise level (as detailed in the noise impact assessment dated 23rd May 2019) by more than 3 dBA when measured at 3.5 metres from the external façade of any noise sensitive premises. At any other time noise from the site shall be inaudible at such position.

Reason: In the interests of the amenity of the occupiers of residential properties.

11.2 Reasons for Decisions

APP/2018/2226 (building)

The proposal is considered an appropriate redevelopment of a redundant building, in accordance with Policy R2: Housing and Employment Development Elsewhere in the Countryside, and is appropriately positioned and scaled, with no adverse impacts on the landscape or surrounding amenity, in compliance with Policy P1: Layout, Siting and Design of the Aberdeenshire Local Development Plan 2017.

APP/2018/0083 (yard)

The proposal is considered an appropriate ancillary development to Unit 1 and in accordance with Policy R2: Housing and Employment Development Elsewhere in the Countryside, and is appropriately positioned and scaled, with no adverse impacts on the landscape or surrounding amenity, in compliance with Policy P1: Layout, Siting and Design of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services
Author: Matthew Watt (Planner)
Date: 12/06/2019

From: [REDACTED] on behalf of [Garioch Planning Apps](#)
To: [Planning Online](#)
Subject: ACTION REQUIRED - FW: ESCC Comments on Planning applications - APP/2018/2226
Date: 01 November 2018 08:36:15
Attachments: [COMP 2017 0173-S33A NOTICE SITE MAP-7914181.pdf](#)

Please upload to DMS etc

Kind Regards

[REDACTED]
Admin Support Officer
Infrastructure Services
Planning & Building Standards
Gordon House
Blackhall Road
Inverurie
AB51 3WA

Tel: [REDACTED]

Email: buildingstandards@aberdeenshire.gov.uk

Website: www.aberdeenshire.gov.uk/planning/buildingstandards

From: JOHN FOULKES [mailto:[REDACTED]]

Sent: 01 November 2018 08:27

To: Garioch Planning Apps
[REDACTED]

Subject: Fwd: ESCC Comments on Planning applications

Dear Sirs,

APP/2018/2226 Change of Use from Use Class 6 (storage) to Use Class 5 (general industrial) at South Fornet, Dunecht, Westhill

Echt & Skene Community Council objects to this application. We understand the building shown as Unit 1 in the plan has recently been let to a third party and we object on the following grounds:

- The current permissions for Change of Use from Agricultural to Class 6 at South Fornet expire at the end of December 2018. This application therefore needs to be assessed against the rural development policy which requires any change of use to be small scale. It has not been demonstrated that the proposed Class 5 use would be small scale.
- The narrow single-track access roads are not suitable for the increased use by HGVs and commuter traffic which would be generated by intensification of industrial activity at South Fornet.
- There are insufficient options for sustainable travel to South Fornet since it is remote from public transport and too far from any settlements for employees to walk to work.

Regards,

John Foulkes;

Secretary Echt & Skene Community Council

From: [REDACTED] on behalf of [Garioch Planning Apps](#)
To: [Planning Online](#)
Subject: ACTION REQUIRED - FW: ESCC Comment on APP/2019/0083
Date: 05 February 2019 11:18:53

Please upload to DMS etc

Kind Regards

[REDACTED]
Admin Support Officer
Infrastructure Services
Planning & Building Standards
Gordon House
Blackhall Road
Inverurie
AB51 3WA
Tel: [REDACTED]
Email: building_standards@aberdeenshire.gov.uk
Website: www.aberdeenshire.gov.uk/planning/buildingstandards

From: JOHN FOULKES [REDACTED]
Sent: 05 February 2019 10:50
To: Garioch Planning Apps <ga.planapps@aberdeenshire.gov.uk>
[REDACTED]
Subject: Fwd: ESCC Comment on APP/2019/0083

Dear Sirs,

APP/2019/0083 Use of land for Class 5 (general industrial) and erection of fence at South Fornet, Dunecht, Westhill

Echt & Skene Community Council objects to this application. We understand the building shown as Unit 1 in the plan is currently let to a third party and we object on the following grounds:

- The previous permission for Change of Use from Agricultural to Class 6 for this site (APP/2016/1845) expired at the end of December 2018. This application therefore needs to be assessed against the rural development policy which requires any change of use to be small scale. It has not been demonstrated that the proposed Class 5 use would be small scale.
- The narrow single-track access roads are not suitable for the increased use by HGVs and commuter traffic which would be generated by intensification of industrial activity at South Fornet.

- There are insufficient options for sustainable travel to South Fernet since it is remote from public transport and too far from any settlements for employees to walk to work.
- The garden grounds of two farm cottages are less than 20m from the NE boundary of the site and the loss of residential amenity would be significant if Class 5 use is permitted outside the farm buildings. The temporary fence to be erected under APP/2016/1845 was only partially erected so there is no visual screening of this site from the cottages. Any permission granted for this site should restrict working hours to Monday – Friday to mitigate the loss of residential amenity.

Regards,

John Foulkes

Secretary Echt & Skene Community Council

Comments for Planning Application APP/2018/2226

Application Summary

Application Number: APP/2018/2226

Address: South Fornet Estates Dunecht Westhill Aberdeenshire AB32 7BX

Proposal: Change of Use from Use Class 6 (Storage and Distribution) to Use Class 5 (General Industrial)

Case Officer: Matthew Watt

Customer Details

Name: Mr John Carter

Address: Easter Fornet Dunecht Westhill

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to the proposed change of use on the following grounds:

1) Site Area Inconsistencies:

The application form applies for change of use from Class 6 to Class 5 and states the site is 1.37 hectares in extent. As far as we are aware, only shed 1 (comprising 0.0783 hectares) and 0.0981 hectares of ground lying to the south and east of it have temporary planning permission for Class 6 use (under APP/2015/0658 and APP/2016/1845). Where is the plan showing the 1.37 hectare site mentioned on the application form and what is the current authorised use of this 1.37 hectare site?

2) Compliance with Policy R2 not demonstrated:

Conditions 1 of APP/2015/0658 and APP/2016/1845 state that the permissions expire on 30th December 2018 and the authorised use will then revert to agricultural. Given the timing of this application only 2 months before the building reverts to agricultural use, the Council should either assess this application as a new application for change of use from agricultural against the requirements of Policy R2 for development in the countryside or, if permission is to be granted, any such permission should expire on the same date as the existing temporary permissions i.e. 30th December 2018.

No information has been provided about the proposed employment activity in shed 1, nor, since the building could be occupied by any other industrial or manufacturing business subsequently, is it clear how planning conditions would ensure continued compliance with policy R2.

3) No Parking Provision:

The application states 12 parking spaces are presently on site and no increase in the number of spaces will be made, but there are presently no allocated parking spaces for shed 1 at South Fornet.

The original temporary planning permission (APP/2014/0332) for change of use of shed 1 for the storage and distribution of wheelie bins by Aberdeenshire Council was granted on the basis that no Council staff would be based at South Fornet and thus there would be no requirement for shed 1 to have any parking spaces. No allocated parking spaces were provided for shed 1 in the subsequent application (APP/2015/0658) to remove the time limiting condition on Class 6 use, when the applicant asserted that shed 1 would merely be used as additional storage space for the existing occupiers of the former farmhouse office and sheds 4 and 5, which have their own allocated parking spaces.

Since shed 1 has apparently now been let to a company unconnected to the existing industrial occupiers at South Fornet there will be additional workers (although there is no information regarding the proposed number of employees) and therefore a requirement for additional parking spaces but the submitted plans do not show any parking spaces at all. Unless the parking spaces are to be sited inside the building, it would seem that the submitted plan does not reflect the proposed development in its entirety.

In addition, as the Planning Officer noted in the Council's refusal of APP/2015/0658 "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".

4) Roads, Transport and Travel:

A change of use to Class 5 would generate additional HGV movements, increase the amount of unsustainable commuter car travel to the site and have an adverse impact on road condition and safety.

Roads department said in respect of the previous application for change of use to Class 5 at South Fornet (APP/2015/0663) that the access roads would not support further intensification of industrial activity at South Fornet. Aberdeenshire Council erected signs advising the U102C is unsuitable for HGVs as a result of a number of HGVs ending up in the roadside ditches and damaging the soft verges, but new Class 5 space for a new occupier will very likely generate additional undesirable HGV movements.

The single track access roads are used for walking by local residents and have a number of blind bends, and the junction of the U102C with the B9126 has poor visibility being next to a double bend. What additional traffic burden will result from this proposed change of use of shed 1 and

how is road safety going to be assured? Transport Statements were previously submitted in respect of APP/2015/0663 and APP/2015/0658 but the assessments of traffic in those documents are not valid for this application given the higher traffic burden resulting from a change of use of shed 1 to Class 5 rather than Class 6.

The Travel Plan which was required as a condition of the Class 6 use of Shed 1 stated that staff would be encouraged to cycle to the site by providing showers and changing facilities. This might be credible when all the companies on site are connected by family ties and use the former farmhouse office, but the new tenant of Shed 1 is an independent third party. The sanitary facilities in Shed 1 comprise only a single toilet. Where will showering and changing facilities for the staff of the new occupier of Shed 1 be located?

5) Noise and Lighting:

There are two dwellinghouses located a few yards to the east of shed 1. There is no information about the type of industrial activity which will take place in shed 1 and potential noise and/or pollution levels for the residents of these houses.

Some powerful external lights was installed on the south elevation of shed 1 last year. This lighting is highly visible for miles and out of keeping with the rural setting. If additional lighting were installed on the east elevation it is likely to be intrusive for the occupiers of the two dwellinghouses. If planning permission were to be granted then conditions should be imposed to control the external lighting.

John Carter & Fiona Bick