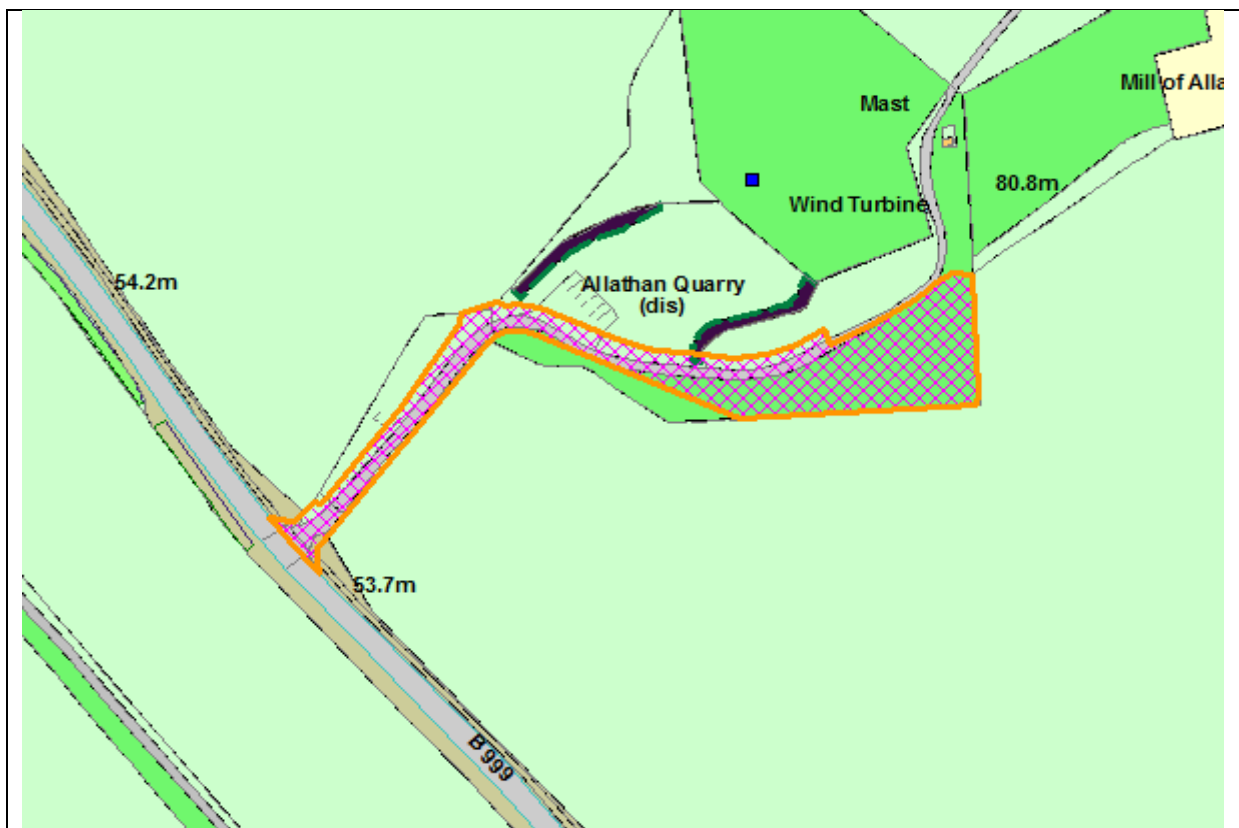


Formartine Area Committee Report - 02 July 2019

Reference No: APP/2019/0843

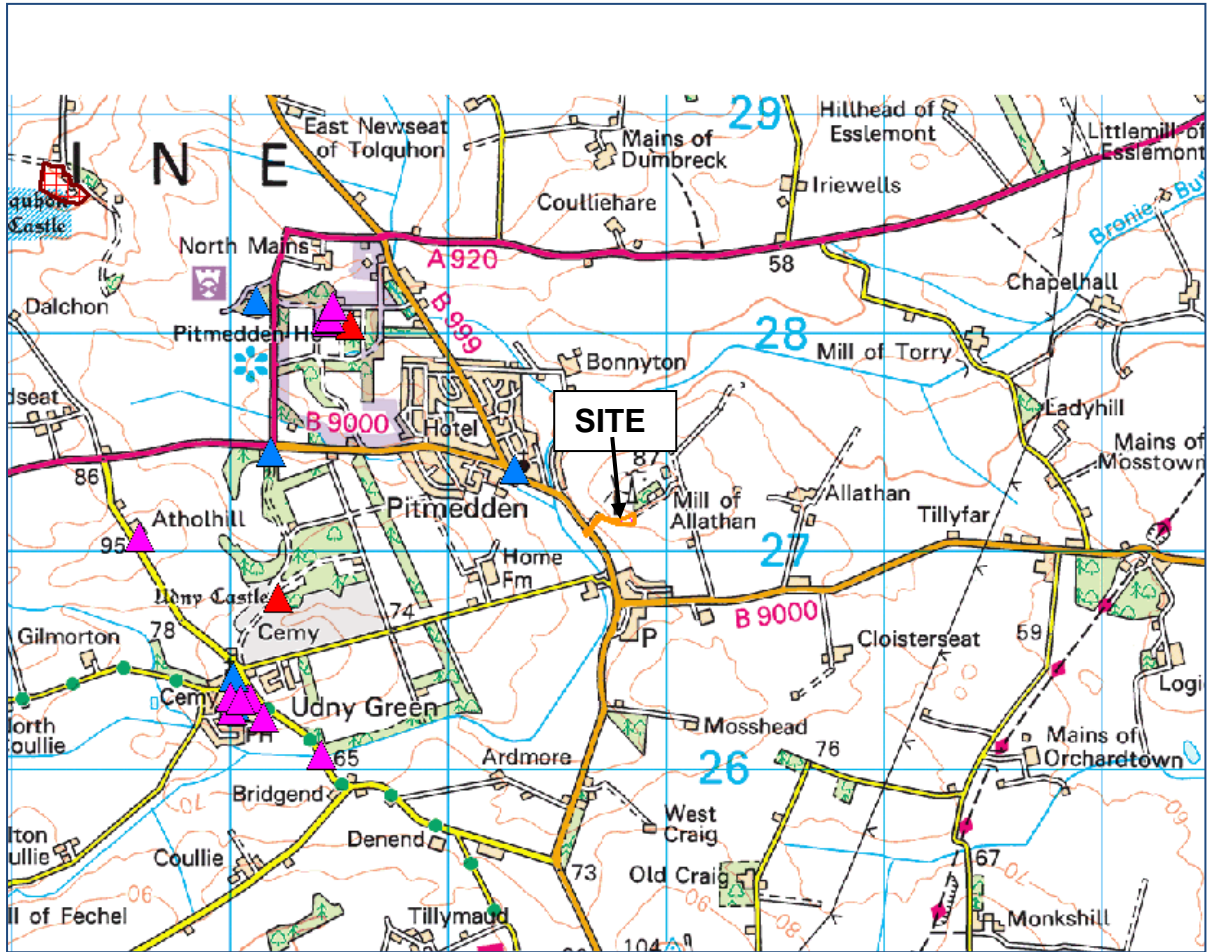
Full Planning Permission for Erection of Building for (Class 6) Storage and Distribution with Ancillary Office and Retail Element at Land at Former Allathan Quarry, Udny, Ellon

Applicant:	Whisky Hammer Ltd.
Agent:	Angela Slater
Grid Ref:	E:389737 N:827123
Ward No. and Name:	Mid-Formartine
Application Type:	Full Planning Permission
Representations:	0
Consultations:	9
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	AHMA
Complies with Development Plans:	Yes
Main Recommendation:	Refuse



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

Councillor Jim Gifford

Reason: To allow a full discussion on the history of this site with reference to the application of Policy R2.

Councillor Andrew Hassan

Reason: For further discussion around Policy R2 and relevance of the policy towards the site of a former quarry.

- 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 erection of a building for (Class 6) storage and distribution with an ancillary office and retail area, on the land at the former Allathan Quarry, Udny, Ellon.
- 2.2 The site is located to the north of the B999 public road, approximately equidistant between the settlement boundaries of Pitmedden and Milldale, as defined by the Aberdeenshire Local Development Plan 2017. It is not allocated for any specific use by the ALDP 2017 and comprises a 'wedge-shape' area of land covered in bracken. It is bound by the access track to the north and west, with a low level dry stone dyke lining the south and east boundaries.
- 2.3 The nearest residential dwellinghouses are located at Mill of Allathan, which is approximately 130 metres north-east. The wider surrounding area is predominantly agricultural fields. There is also an application pending decision for the erection of another storage and distribution building on the land immediately to the west of the former quarry (APP/2019/0844).
- 2.4 The proposed development seeks permission for the erection of a commercial building with upper mezzanine level and associated parking spaces. The ground floor is to comprise: warehouse, packing room, dispatch area, office space, photography room, front reception, shop area and separate tasting room. An area of decking is proposed to the west elevation. The upper level would be a mezzanine storage area.

- 2.5 The proposed building has been designed with an offset pitched roof mirroring the hillside to the rear. The building would be approximately 37 metres in length, 14.5m wide and 6.5m to the ridge. The building would be set into the slope and car parking for 13 cars provided to the south of the building. Landscaping areas are shown on the plan to the rear of the building. A Gabion basket wall is proposed to the south of the car parking area.

The proposed materials to be used on the building are:

Walls – natural vertical larch cladding with horizontal dark stained cladding features to entrance and cast concrete feature column to roof overhang.

Roof – profiled metal sheeting with aluminium flashings, gutters and downpipes

Windows and doors – steel door to north elevation; aluminium roller shutter to south elevation; otherwise aluminium framed double glazed windows/doors elsewhere.

- 2.6 Parking Access is to make use of the existing shared single track leading directly from the B999. Services to the site would include connections to the main public water supply and public drainage system.
- 2.7 This application does not include the assessment of the proposed signage on the south elevation. An application for advertisement consent may be required. The applicant is advised to enquire to the Planning Service about this separately.
- 2.8 The relevant planning history for the site includes APP/2019/0844 – FPP, Erection of Building (Class 6 – Storage and Distribution). This application is pending a decision.
- 2.9 Supporting information includes:

Design Statement by *David Murray Associates*

- Principle - Given historic use as a quarry, the site is considered the redevelopment of 'brownfield' land.
- 'Imagine Udney' Community Action Plan and Spatial Masterplan - Udney Community Trust with the support of Udney Community Council commissioned Planning Aid Scotland (PAS) to conduct 'Imagine Udney', a community engagement exercise, with a primary focus on Pitmedden. The resulting Community Action Plan and Spatial Masterplan identified Allathan Quarry site as one of 9 community projects. The view is to redevelop it for recreational and small industry use/develop storage and community facilities/include Pitmedden Udney Trust Co-op storage area/shed and community business use.
- Design – to mirror gradient of the site and minimise visual impact. Materials and design chosen to reflect agricultural buildings in the area and wider rural character.

Supporting Statement by Whiskey Hammer Ltd

2.10 No variations or amendments were made to the application.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Infrastructure Services (Contaminated Land)** requested a site investigation report, given the site was formerly used as landfill and may have contaminated the ground, which is now proposed for a more sensitive land use. Upon receipt of a satisfactory site investigation report, contaminated land does not object to the application.

4.2 **Infrastructure Services (Environmental Health)** had no objection to the proposal subject to a condition to ensure that the development is connected to the public water supply.

4.3 **Infrastructure Services (Flood Risk and Coast Protection)** requested a Drainage Impact Assessment (DIA) to detail the proposed surface water management for the development. Upon receipt of a satisfactory DIA, Flood Risk and Coast Development has no objection to the application.

4.4 **Infrastructure Services (Protective Services and Waste Management)** did not respond to the consultation request.

4.5 **Infrastructure Services (Roads Development)** does not object to the application, subject to a number of standard conditions. It is noted that the existing track should also be brought up to an adoptable standard from the junction with the B999.

4.6 **Infrastructure Services (Transportation)** has no objection to the proposal, subject to the formation of a pedestrian link between the proposed building and existing nearby footpaths. Prior to use of the development, a Travel Plan is also required to be submitted should the application be recommended for approval.

4.7 **Health and Safety Executive** does not advise, on safety grounds, against the granting of planning permission in this case

4.8 **National Grid** highlighted National Gas Transmission Pipelines and associated equipment within the vicinity of the proposed works. The applicant is therefore advised to contact National Grid directly prior to the commencement of works.

4.9 **Scottish Water** has no objection to the proposal, advising that there is currently sufficient capacity at the Turriff Water Treatment Works, as well as the Pitmedden Waste Water Treatment Works. However, capacity cannot be reserved and availability will be reviewed once planning permission has been

granted and a subsequent connection application submitted to Scottish Water directly.

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 went 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 P1 Layout, siting and design
Policy R2 Housing and employment development elsewhere in the countryside
Policy E2 Landscape
Policy RD1 Providing suitable services
Policy C4 Flooding
Policy P4 Hazardous and potentially polluting developments and contaminated land

5.4 Other Material Considerations

Imagine Udney: Community Action Plan January 2019

6. Discussion

6.1 The main issues for consideration in determining this application are whether the principle of development, the proposals siting and design and its surviving are acceptable under the policies of the Aberdeenshire Local Development Plan 2017.

6.2 Principle of Development

The proposed site is located in the countryside out with the settlement boundaries of Pitmedden and Milldale, in the Aberdeen Housing Market Area (AHMA) (see **Appendix 1** – Site and Location Plan). Given the land is also not allocated by the ALDP 2017 for any specific use, the principle of development is therefore subject to assessment against Policy R2 Housing and employment development elsewhere in the countryside. Policy R2 restricts development in the countryside area out with the Aberdeen greenbelt and coastal zone to small-scale development, which would meet at least one of a specific set of criteria. One of those criteria under Policy R2, is that small-scale development involves the remediation of brownfield land opportunities and the application has been presented as a remediation of brownfield land, having once been part of a wider quarry site. The purpose of restricting opportunities in the Aberdeen Housing Market Area for employment development is in order to direct such developments to allocated employment sites, which are typically associated with settlements, in the first instance whilst allowing some scope to redevelop redundant brownfield sites.

6.3 According to the requirements of the Local Development Plan Glossary brownfield land must be a site which has been developed or used for some purpose that has now ceased and on which a new use has not been established. Previously developed land must be assessed based on its current condition and sites which have naturalised or do not contain buildings

or structures will usually not be considered as brownfield land. The sites historic use, unless physically evident, will not be taken into consideration. Upon inspection, the site was found to have no buildings, structures or visible remains, with no sufficient evidence of its past use. It forms an area of bracken and vegetation and appears to have naturalised some time ago and since the quarry was infilled and closed around the 1960s. As such, the application cannot be considered as Brownfield Land and does not comply with Policy R2 and the principle of development cannot be established.

6.4 Character and amenity

The design statement outlines that the scale and building lines have been designed in accordance with the topography of the land, in order to minimise its visual impact on the landscape (see **Appendix 2** – Elevations).

6.5 The proposed design and materials are similar to modern agricultural sheds. Whilst the site is elevated and visually prominent from the B999 public road, the sensitive choice of materials and design are therefore unlikely to significantly erode the rural character of the site and wider setting. Further landscape planting could also be sought to ensure the site integrated into the landscape and help provide compensation for any loss of habitat as required under Policy P1. This is in accordance with Policy E2 and P1.

6.6 The nearest residential dwellinghouse at Mill of Allathan is on higher ground and separated from the proposed development by a dense group of trees. Any impact on the amenity of neighbouring land caused by overlooking or overshadowing is therefore considered negligible. Similarly, the office and retail element of the proposal is unlikely to impact on the residential amenity of neighbouring land, as it is not the primary use of the building and also small-scale in nature. It is therefore not expected to generate a significant level of visitor traffic. This is in line with Policy P1.

6.7 Access and services

Access to the site is proposed to make use of the existing single track, leading directly from the B999. Roads Development has advised that this is to be brought up to an adoptable standard from the junction with the public road in order to allow access to the warehouse. Otherwise Roads Development has no objections to the proposal, subject to a number of standard conditions. Similarly, Transportation has not objected to the application, as long as a pedestrian link is provided and a Travel Plan is submitted prior to the use of the development. Should the application be recommended for approval, suitable conditions will be applied to secure said requirements. The Planning Service is therefore satisfied that the application can be in accordance with Policy RD1 Providing suitable services.

6.8 Proposed services to the site include connections to the main public water supply and public drainage system. Scottish Water has confirmed capacity for both and has not objected to the application. The proposal is therefore considered in line with the requirements of Policy RD1 in this respect.

6.9 Summary

The proposed development meets the requirements of Policy P1 Layout, siting and design, and on balance the design is considered acceptable in order to avoid any significant impacts on the landscape as required by Policy E2 Landscape and the development is unlikely to erode the character or amenity of the site or wider area. The application is in accordance with other relevant policies contained within the Aberdeenshire Local Development Plan 2017. Despite this the proposal is not considered acceptable in principle under Policy R2 Housing and employment development elsewhere in the countryside, because the land does not constitute a brownfield site. This is due to the lack of evident structures on it, in conjunction with its naturalised state. Given the principle of development cannot be established, the application is recommended for refusal.

7. **Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. **Implications and Risk**

- 8.1 An Equalities 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

Policy R2 Housing and employment development elsewhere in the countryside

- 10.3 The application if approved would form a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

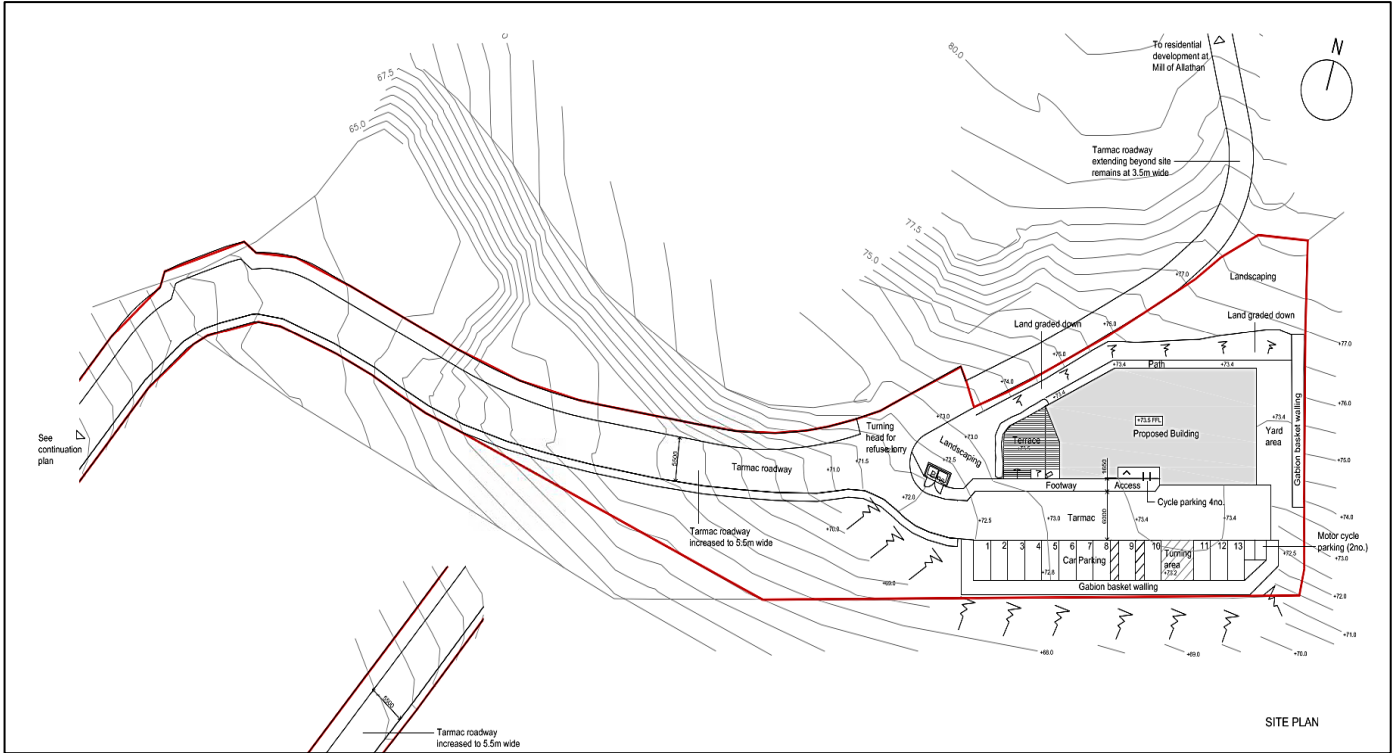
11.1 REFUSE for the following reason:-

01. The site of the development cannot be considered brownfield land as the site has naturalised and proposed development therefore fails to meet Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services
Author of Report: Roslyn Purdie
Report Date: 18 June 2019

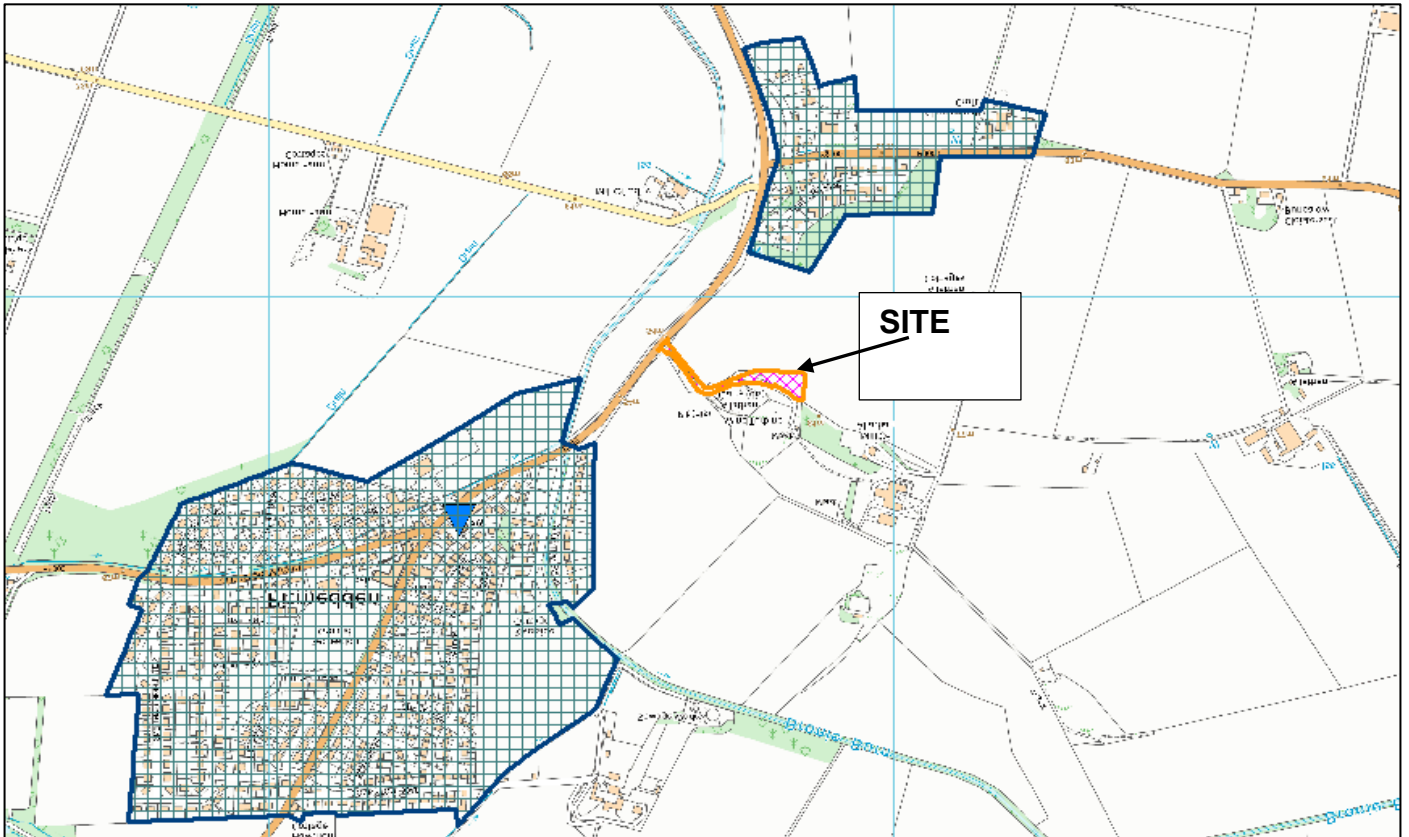
APP/2019/0843

Appendix 1
Site Plan



APP/2019/0843

Appendix 1
Location Plan



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Appendix 2
Elevations

