

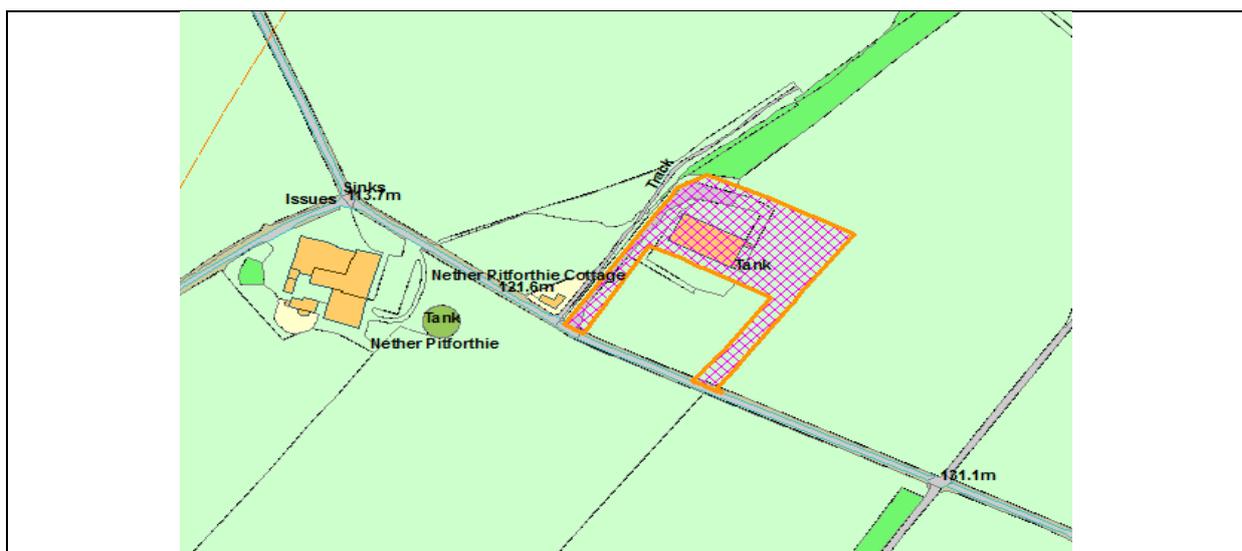
Kincardine & Mearns Area Committee Report 28 April 2020

Reference No: APP/2019/1675

Full Planning Permission for Alterations and Extension to Shed Including Installation of Solar Panels and Equipment, Formation of Access and Hardstanding at Land to the North of Upper Pitforthie, Fordoun, Laurencekirk, Aberdeenshire

Applicant: Mr John Fotheringham, JBF Contracts Ltd, Knockhill House, Glenbervie, Stonehaven, AB39 3YB
Agent: Rod McGovern, Farm Energy Consulting Ltd, Unit 15, Netherton Business Centre, Kemnay, Inverurie, AB51 5LX

Grid Ref: E:381260 N:779476
Ward No. and Name: W19 - Mearns
Application Type: Full Planning Permission
Representations 11
Consultations 6
Relevant Proposals Aberdeenshire Local Development Plan
Map
Designations: Rural Housing Market Area
Complies with Yes
Development Plans:
Main Recommendation 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.8.1 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 their comments are incorporated within the report 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 an extension to the existing agricultural building on the site, installation of solar panels, extra hardstanding area and formation of a new access.
- 2.2 The site is located approximately 6km south of Stonehaven and 1.5km to the southeast of the A90 trunk road. The nearest settlement is Drumlithie, approximately 2.9km to the northwest. The surrounding area is predominantly agricultural land. The closest dwelling house is located approx. 84m to the southwest near a field access and the existing access track with the public road (Nether Pitforthie Cottage). There is another property to the east (Upper Pitforthie Cottage) which is approx. 207m away.
- 2.3 The application site comprises an existing agricultural steel portal framed building measuring approximately 24m x 48m with a shallow roof pitched of 15° and is approximately 8m to the eaves and 11.2m to the ridge. To the rear is a concrete hardstanding and enclosure.

Planning History of the Site

- 2.4 The existing building is situated on the lower slopes of a local hill (Bruxie Hill), which was approved under planning reference APP/2015/2887 as a storage building for agricultural use (storage of straw, grain and fertiliser) and houses a grain dryer. The building also has a part change of use of the building to Class 5 (General Industrial) under APP/2016/2573, for biomass production. This uses the grain dryer that is permitted, as part of the approved agricultural function of the shed. The grain dryer is powered using the spare capacity of the Upper Pitforthie wind turbine (APP/2013/2911) when surplus power cannot be exported into the grid. There are also four biomass boilers onsite on the south east gable elevation of the shed approved under APP/2018/2143 making the total boilers onsite to 6.

New Access

- 2.5 This proposal seeks the approval for a new access to the east of the site with hedging along each side of the access track. The access to be created is to measure 5.5m in width to be constructed with a geotextile base layer, 250mm of stone to ground level then a surface layer of 50mm. A new section of pipe will be required as there is an existing ditch adjacent to the roadside. The new access proposed is at a lesser gradient than the existing access road with a wider entrance.

Extension

- 2.6 The application is also for an extension to the existing part agricultural and part industrial use building. Required for additional dry storage for the biomass products, which is currently stored outside and is open to the elements. The existing shed is partly used for drying wood chip which is then sold to local customers for use as biomass. The boilers are used in combination with wind energy (from an existing wind turbine) in order to mitigate for the intermittency of the wind turbine when the wind stops.
- 2.7 The proposed extension measures approx. 36m x 30m, with an infill lean-to extension to the rear measuring 6m x 18m and a new hard standing area of 800sqm to the north/rear. The extension will have concrete walls up to 1.5m high and steel sheeting to the eaves with a fibre cement sheeting roof to match the existing building on site. The south facing roof is to be covered in solar panels. Internally a 3m high wall is to be installed next to the proposed pelleter in the existing shed and a doorway between the existing shed and new extension will be created on the existing gable wall to help reduce noise.
- 2.8 Having an internal area for storage will make the drying system more energy efficient, by recycling heat from the existing shed through an air source heat pump, to be piped to a heat exchanger to the drying fan for the drying process. The addition of solar panels (386) is also proposed, to aid heat production, each measuring approx. 1m x 2m along with 4 boiler flues projecting approx. 330mm above the ridge.
- 2.9 The existing biomass boilers are to operate between 8 am to 8 pm, Monday – Saturday, and the proposed pelleter will operate within these times. The current deliveries to the site are 2 lorries per day in/out, and no change is proposed. The fans in the shed, and the proposed heat pump, will run 24 hrs a day.
- 2.10 Discussions were held with the agent and applicant to reduce the scale of the proposed extension, various revisions to plans have been made due to consultee comments and Planning Service comments and the existing access has now been shown to be blocked off.

- 2.11 The applicant has recently (5th March 2020) decided to also revise the position of the heat exchanger and heat pump (initially proposed on the front elevation) to the rear of the existing shed on the north west corner to minimise noise. It will also be enclosed in 2 No. steel coloured containers to match the existing building. They will be approx. 12m x 3m and internally lined with 100mm acoustic sound panelling.
- 2.12 The new size of heat pump and associated underground pipes proposed will be assessed under a separate application APP/2020/0656. For the purposes of this application the Noise Impact Assessment has been revised with an Addendum to reflect the impact the new proposed size of heat pump would have.
- 2.13 Supporting Information submitted with the application includes;
- a) **Supporting statement** (*Farm Energy Consulting, Dated 12th July 2019*)
- a. The report highlights that the proposal is a highly sustainable renewable enterprise, as it will capture solar and biomass energy and convert it into stored biomass heat energy.
 - b. Provide extra storage space for raw biomass materials;
 - c. Extra roof area and panels will allow collection of warm water;
 - d. Heat pumps will increase the waters temperature with little electrical energy;
 - e. Will improve energy efficiency
 - f. Will utilise a waste material into pellet fuel
 - g. New access will reduce impact on neighbours
- b) **Additional Supporting Information, Farm Energy Consulting, Dated 10th March 2020.** Revisions include;
- a. Existing access will be blocked off and seeded with grass.
 - b. Revision to Heat Pump (Energy recovery Pump 3095kw) sited on north west elevation.
 - c. Update to 4. Noise Assessment – Noise from heat pump will be reduced as the container will be lined with soundproof materials. Will be less than 20dB (A). This will cause no disturbance – calculations provided.
 - d. Number of solar panels reduced from 416 to 386
- c) **Revised Noise Impact Assessment (NIA), FEC Acoustics, Dated 12th December 2019.** The report expands on the 2016 Noise assessment, which considered noise from drying fans, the loader and the lorry movements. This application requires some additional equipment but the same amount of lorry movements (2) is to remain with similar daytime operation of the additional plant. The report estimates that lorry noise will reduce for the cottage to the south west of the shed, with creation of the new access. The total number of vehicle movements associated with the proposal would be 2 return journeys daily.

Noise sources have been identified as;

- a. Fan house and inlet – previously assessed
 - b. Loader – previously assessed
 - c. Pelleter
 - d. Cooling fan and motor
 - e. Heat pumps – located within containers to northwest of building
 - f. Lorry sounds – plan of route of lorry movements
- d) **Letter from Sound Planning Ltd, Dated 10th March 2020.** Calculation of Noise break out from the proposed water to water efficiency heat pump (FOCS2-W-G05-Y /H /CA /9604).
- e) **Addendum to NIA, by FEC Acoustics, Dated 20th March 2020,** the report clarifies that the NIA submitted assumes the original heat pump would be inaudible at the nearest residences. The proposed heat pump (3095kW) shows a higher sound emission and mitigation measures include; enclosed in acoustic container to achieve no more than 20dB at nearest houses; container to be sited on rear elevation of existing shed; operating 24/7 at 30% capacity.
- f) **CLM 800 380HP Pellet Mill Data Sheet**
- g) **Solar Thermal Integrated Packages Brochure**
- h) **Data Sheet for 3095kW Heat Pump – FOCS2-W-G05-Y /H /CA /9604**
Dimensions – 4650mm (L) x 2250mm (W) x 2230mm (H)
- i) **Drainage Impact Assessment, Appendix F, Ambient Environmental Assessment, Dated 18th June 2019.** Includes surface water calculations and states that surface water runoff from the proposed roof will discharge to an attenuation pond/detention basin and a nearby ditch.
- j) **Additional supporting information from Applicant,** attempts to justify the proposal as follows:
- a. The new access track is to address traffic concerns of the nearest neighbouring property, to be used for HGV traffic with existing access for staff use;
 - b. Extension is required to improve efficiency at the site, to create a drying area for deliveries of wood chip and straw storage and conceals the biomass boilers from view;
 - c. Business currently has 2 full time staff with 3-4 contracted staff through the heating season;
 - d. Post extension - 2 further staff will be required (to operate the pellet mill) and 1 admin assistant;
 - e. Business is considered as a diversification from farming practices and supply agricultural businesses with fuel for arable operations and store grain, fertiliser etc for farming;
 - f. Hawthorn hedges for screening are proposed along with tree shelter belt along the roadside;

k) **Before and After Extension Photomontage**

l) **Response to Comments from EH, FEC Acoustics, 11th November 2019.**

Provides clarification on a number of points raised by Environmental Health, the NIA includes 2016 data and has been re-filtered to account for the extended hours (8am to 8pm). Noise from lorries will reduce due to distance of new access and gradient of slope.

3. Representations

3.1 A total of 11 valid representations (4 support/7 objection) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 12 letters in total. All issues raised have been considered.

3.2 The letters of objection raise the following material issues;

- Adverse impact on residential amenity due to increased noise and traffic movements
- Road safety concerns with intensification of use of single track road from A90
- The proposal would lead to the industrialisation of the countryside;
- Inappropriate design and scale
- Existing access should be closed off and new access used
- Visual and landscape impact
- Previous conditions should be adhered to (Condition 4 &5 of APP/2016/2578)

3.3 The letters of support raise the following material issues;

- Positive business in area creating employment.
- Maximising renewable energy sources minimising fossil fuels and carbon emissions
- Support biomass and renewables to agricultural businesses
- Visually in keeping with other agricultural sheds
- New access reduces amenity impacts to neighbour

4. Consultations

Internal

4.1 **Infrastructure Services (Environmental Health):** initially objected to the proposal as the methodology was lacking the lorry movements. BS4142:2014 (for Industrial or Commercial Noise Source) specifically includes vehicles movements as part of the overall sound emanating from the premises. A further concern was the applicants wish to keep the existing access open and also a late change in the size of the heat pump along with its position on site.

Following further revisions to plans and confirmation that the existing access road would be closed off. Environmental Health are satisfied and have no further objection to the proposal but in order to protect the amenity of the nearby residents, it is recommended that conditions relating to; noise levels at certain times of the day are adhered to; proposed equipment to be properly installed and permanently retained with insulation according to the NIA (dated 12th December 2019) and Addendum to NIA (20th March 2020). In addition, it is requested that the condition issued in the prior approval APP/2016/2573 relating to the prohibition of the processing of logs into woodchips be retained and is attached to the granting of any consent.

- 4.2 **Infrastructure Services (Environment – Natural Heritage):** Has requested landscaping to provide screening of the building as it is an exposed site. It is suggested that small trees and shrubs native to the local area should be used so not to shade the solar panels. Suggested species were given including birch, rowan, cherry, grey willow, hawthorn and blackthorn. The proposed hedgerow planting could include hawthorn and blackthorn.
- 4.3 **Infrastructure Services (Road Development)** following initial concerns due to the surfacing over the existing drainage channel at roadside and the proposed retention of the existing access, which is substandard and was not constructed in accordance with conditions 1 (a, b & c) of Planning Application APP/2015/2887. Following further revisions and confirmation that the existing access road would be closed off. Roads Development has removed the objection subject to conditions on the existing access track being permanently blocked off, provision of access, visibility splays, surfacing and the provision of layby.

External

- 4.4 **Arbuthnott Community Council** has raised the following issues;
- Ensure the original development has been properly enforced with adequate screening
 - Allow no further applications for industrialisation of the site
 - Take note of residents' concerns
- 4.5 **Health & Safety Executive:** Do not advise against, on safety grounds against the granting of planning permission.
- 4.6 **National Grid:** Has raised no objection to this 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.

From the 29th 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 R1 Special Rural areas

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy C2 Renewable energy

Policy P4 Hazardous and potentially polluting developments and contaminated land

Policy RD1 Providing suitable resources
Policy E2 Landscape

5.4 Other Material Considerations

Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5th March 2020 resolved to agree the Proposed Aberdeenshire Local Development Plan (LDP) 2020 as the 'settled view of the Council' on what the final adopted content of the LDP 2021 should be.

The Proposed LDP 2020 is a material consideration in the determination of planning applications. The Planning Authority must therefore assess what weight it should have in the context of this particular application. As the Proposed LDP is yet to be subject to public scrutiny and subsequent Examination by an independent Reporter, it is considered that the level of weight that should be applied to the Proposed LDP 2020 is not significant. The Aberdeenshire LDP 2017 remains the up-to-date LDP for the area and the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

6. Discussion

- 6.1 The main issues relating to this proposal are the principle of the development and its layout, siting and design and whether the proposal would have an impact on the surrounding rural area in terms of amenity or road safety.

Principle of development

- 6.2 In terms of the current ALDP and Policy R2 Housing and employment development elsewhere in the countryside, policy is supportive of small-scale employment proposals in the rural housing market area with a maximum area of 0.5hectares. The supporting statement reveals there are 2 full time permanent employees on site with the potential to increase to 5 post extension.
- 6.3 Although it has been raised in several letters of objection that the development at this site is inappropriate and will lead to industrialisation of the countryside. The principle of development at the site has been established through previous approvals and para 2.4, documents the history of the part agricultural and part industrial use on site. The drying of woodchip, is in compliance with the extant planning permission for a part change of use to Class 5. Although the selling of woodchip did not form part of that permission, it complies with the Policy above.
- 6.4 The proposed extension for the biomass plant (Class 5 use) is also considered ancillary to the main use on the site and is related to agricultural activities. The existing storage area for woodchip deliveries is outside and uncovered open to the elements, the proposed extension will allow for the

same amount of storage space inside a covered shed. As such, the principle of the development is considered acceptable in relation to Policy R2 Housing and employment development elsewhere in the countryside.

Layout, siting and design

- 6.5 Letters of representation received have raised a number of concerns about the prominence of the site and scale of development. The scale of the extension proposed has been arrived at following discussions with the Planning Service and the extension will mirror the materials on the existing shed which is considered to be acceptable. The proposed extension will not be visible from the A90 as it is located on the east gable and only the existing west gable can be seen by public views from the A90. While it is accepted, the proposed extension will alter the visual appearance of the building when viewed from the roadside to the south and is a concern raised in some representations. Following negotiations, the agent/applicant has increased the landscaping on the site to reduce the visual and landscape impact of the building.
- 6.6 The applicant proposes to plant a native hedge (2m – 2.5m) either side of the proposed track and along the front elevation of the building, plus a 3m wide tree belt of spruce trees on the south west boundary of the field adjacent to the drainage ditch and roadside. On balance. This is considered to be acceptable, as the combination of landscaping measures proposed will soften views to the building when the planting establishes.
- 6.7 Further revisions made include, the position of the heat pump and heat exchanger containers, initially planned for the front/ south elevation. To minimise the appearance of the containers and to streamline the exterior of the building they will be located to the rear/north west of the existing building. This will also have the added advantage of minimising any noise impacts for nearby residents.
- 6.8 The existing biomass boilers and equipment are to be entirely concealed within the building. Only the flues protruding beyond the roof ridge will be visible. Given the scale of the building, the visual impact of the flues is minimal, and due to the silver metallic finish, they blend into the building reasonably well and would not impact upon the visual amenity of the surrounding area.
- 6.9 In recognition of these points, it is therefore, the opinion of the Planning Service, the proposed extension and new access track will not have any adverse impact upon the landscape in this area. Coupled with the proposed mitigation measures above (i.e. reduction in size of extension, siting the heat pumps to the north west and additional landscaping), the proposal complies with Policy E2 Landscape and Policy P1 layout, siting and design of the ALDP.

