



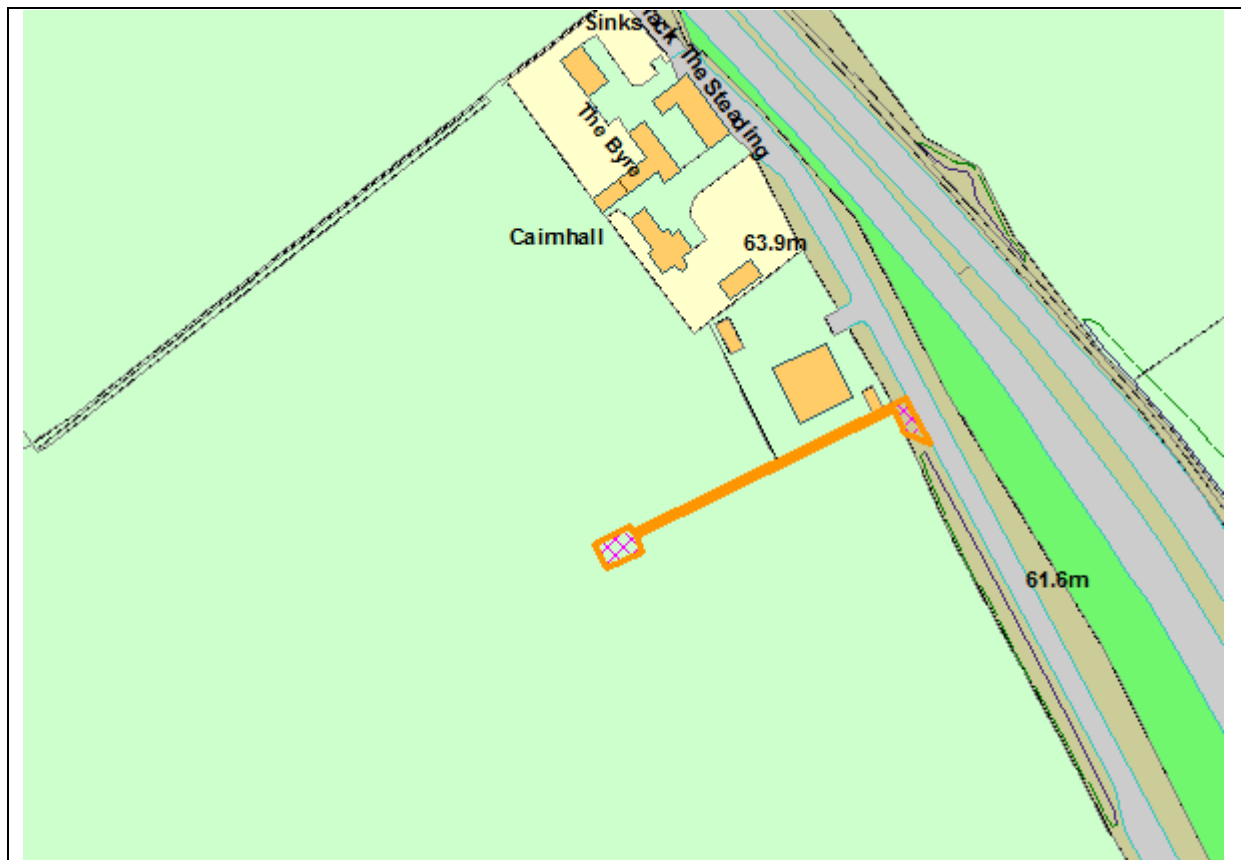
Garioch Area Committee Report – 14 September 2021

Reference No: **APP/2021/1251**

Full Planning Permission for Erection of Building (Class 4) and Formation of Car Parking Space at Land South-West of Cairnhall, Kintore, Aberdeenshire

Applicant: Victor Allan, Azimuth Oilfield Systems
Agent: Bruce Ritchie, RJM Architectural Design

Grid Ref:	E:378503 N:817552
Ward No. and Name:	W12 – East Garioch
Application Type:	Full Planning Permission
Representations:	0
Consultations:	6
Relevant Proposals Map Designations:	Countryside, Aberdeen Housing Market Area
Complies with Development Plans:	No
Main Recommendation:	Grant



NOT TO SCALE

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright and database rights. Ordnance Survey Licence Number 0100020767.

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.3.1c 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 erection of a building (class 4) and formation of car parking space at land south west of Cairnhall, Kintore.
- 2.2 The site lies adjacent to the A96 and is accessed from the Kintore roundabout leading to a no-through road to the north which runs adjacent to the A96 and serves 3 houses, a business unit and a cemetery. The proposed building is to be located approximately 60m south west of the business unit within a field currently used for agriculture. The building measures 10m x 6m to a maximum height of 3.9m with untreated timber clad walls and a dark grey aluminium profiled dark grey clad pitched roof. Access to the building is by foot only with a 90m long footpath proposed from a single car parking space to the north east.
- 2.3 The proposed building is to accommodate specialised testing facilities (magnetometer calibration) to be operated by a business which has recently relocated to Kintore Business Park. The proposed usage of the building would typically be on weekdays between 8am and 5pm with irregular occasions where weekend or evening work is required. The testing procedure is understood to typically take 4 hours to complete and 1 to 2 visits would be expected per day.
- 2.4 No water supply or foul drainage is proposed for the building.
- 2.5 There is no planning history for the site. The following planning permission is related to the business intending to operate the proposed building-
 - APP/2020/0640 Full planning permission for alterations and first floor extension to building and part change of use from general industrial (class 5) to include office use (class 4) at Unit 1, Kintore Business Park, Kintore (Approved: 19/05/2020)
- 2.6 Supporting information provided with the application includes-
 - Supporting Statement (RJM Architectural Design)
Includes details of the site, the requirement and purpose of the building, site photos, details of the site selection, proposed building and product examples.
 - Email correspondence providing further information regarding sequential site selection and technical queries.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Infrastructure Services (Archaeology)** notes that the application lies within and directly impacts a cropmark archaeology site, possibly indicative of a Roman camp, and is in close proximity to another site which is the remains of a stone circle. A condition is requested to ensure a programme of archaeological works is undertaken.

4.2 **Infrastructure Services (Flood Risk and Coastal Protection)** has no comment on the proposal.

4.3 **Infrastructure Services (Roads Development)** has no objection to the proposal, subject to conditions.

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

4.5 **National Grid/Cadent** has no objection to the proposal which is in close proximity to a high-pressure gas pipeline.

4.6 **Transport Scotland** does not advise against the granting of planning permission in relation to the impact on the trunk road.

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 2020

The Strategic Development Plan was approved on 12 August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years. 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.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Aberdeen City & Shire SDP 2020 as approved forms part of the Development Plan.

5.3 Aberdeenshire Local Development Plan 2017

Policy B1 Employment and business land

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 HE1: Protecting historic buildings, sites, and monuments

Policy RD1: Providing suitable services

5.4 Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5 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. A period during which representations on the Proposed LDP 2020 could be made took place between 25 May and 31 July 2020.

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. The Proposed LDP has been subject to public scrutiny and has now been submitted for Examination by an independent Reporter. Nevertheless, it is considered that the level of weight that should be applied to the Proposed LDP 2020 remains as not significant at this time. 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.

5.5 Other Material Considerations

- Regional Economic Strategy 2018-2023 Action Plan: this seeks to support highly innovative companies and capitalise on our reputation as a global centre of excellence for subsea and underwater engineering and

decommissioning, and for learning and training in the broader oil and gas and energy sectors. Industry is identified as the lead for this action.

6. Discussion

6.1 The key issues in the consideration of this application are the principle of development; layout, siting and design; and access and servicing.

Principle of development

6.2 The site lies in the Aberdeen housing market area (AHMA) therefore the key policy in determining the principle of this application is Policy R2: Housing and employment development elsewhere in the countryside, although this also requires consideration of Policy R1: Special rural area criteria.

6.3 Policy R1 supports development in various circumstances including where it is an extension of an existing building or use that is ancillary to the main use; is for the purpose of agricultural; for a recreational use compatible with its agricultural setting; for the sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit; for accommodation for a worker in a primary industry; replacement of a non-vernacular building on the same footprint and for the same use.

6.4 Policy R2 adds to the above list and supports development when it meets one of several criteria including where:

- It would be appropriate in the greenbelt; or
- It would involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
- It would involve remediation of redundant brownfield land opportunities; or
- It is for small-scale growth of settlements where a particular need has been identified.

6.5 In all cases, it is stated that siting and design of any new development will be a primary consideration.

6.6 The proposal lies within an agricultural field approximately 50-90m from the nearest buildings and is to be accessed by a 90m long footpath. There is no planning history and no visible evidence of previous development on the site.

6.7 It is noted that the proposed use is related to the main business site at the Kintore Business Park which lies some distance to the north-east across the A96. However, due to the distances involved between the business premises and the proposed building, it cannot be considered ancillary. The expectation for an ancillary building would be in close proximity such as within the yard of a business premises, for example. It therefore cannot benefit from this, or any of the Policy R1 criteria.

6.8 Information has been provided in the form of a Supporting Statement and subsequent correspondence from the agent/applicant. In this the Planning Service is advised that the reason for the separation between the main business premises and proposed building is that there is a specific locational requirement as testing equipment (for calibrating magnetometers) must be free of magnetic interference which would result from proximity to ferrous

metals. The location of powerlines, pipelines, underground cables and intensively used buildings and sites are all important. The site selection process is covered within the Supporting Statement and shows that a number of sites were assessed against the following criteria: magnetic interference from close proximity ferrous material, proximity to Kintore Business Park, access, commercial availability and impact on the character and visual amenity of the area. Discounted sites given consideration included Cothal Stables, Tertowie Farm, Clovenstone (x 4) in the wider area, along with consideration of 6 sites within immediate or close proximity to the Kintore Business Park. Trial testing of some locations, including those closest to the Business Park identified magnetic interference resulting in these options being discounted. Business reasons have been given for the discontinuation of the existing testing facility at Bridge of Don (with office at Dyce). This includes the reduced travel distance required between the Kintore Business Park and proposed building of an approximately 2 mile round trip in comparison to a trip previously from Dyce to Bridge of Don of 14 miles, or following the office move, from Kintore Business Park to Bridge of Don 31 miles.

- 6.9 Class 4 Uses are typically considered under Policy B1 Employment and business land which supports development on allocated sites identified within the Local Development Plan. The proposed site lies in an agricultural field and is not allocated for development under this policy. As such, the proposal does not comply with Policy B1.
- 6.10 Although the proposal does not comply with any aspect of Policy R1 Special rural areas, R2 Housing and employment development elsewhere in the countryside or B1 Employment and business land, the Planning Service considers that the proposal has been sufficiently justified to be supported as a departure given the specific technical and locational requirements for the proposed use. It is recommended that conditions for any permission granted be temporary and linked to the initial nine year length of lease and the operating business at the Kintore Business Park. This is considered to provide sufficient control for a Class 4 Use which would otherwise not be acceptable in this location. A site restoration plan is required prior to commencement of development to ensure the building is removed and the site fully restored once its current use ceases.

Layout, siting and design

- 6.11 Policy P1 Layout, siting and design only supports development designs that demonstrate the six qualities of successful places, which includes that it is distinctive; safe and pleasant; welcoming; adaptable; efficient and well connected.
- 6.12 The proposed site lies within an agricultural field and is a 10m x 6m single storey, timber clad building with an aluminium clad roof. The siting of the building towards the centre of the field would result in the field being bisected by a 50m access track with a further 40m of the access track immediately adjacent to the garden boundary of a house. Although it would be preferable that the field was not divided to maintain its full agricultural functionality, as detailed above, the reason for the siting has been justified in this instance due to technical requirements.

- 6.13 The application site is approximately 2m higher than the road to the north-east. However, across the length of the access and due to the relatively modest scale of the proposed building in relation to its setting, it would not appear overly conspicuous in the landscape, with some screening offered by vegetation between the site and the A96. The proposed finishes are suitable for the countryside location and for the building type.
- 6.14 On balance, the layout, siting and design is considered acceptable and the proposal complies with Policy P1 Layout, siting and design.

Access and servicing

- 6.15 Policy RD1: Providing suitable services supports development that provides adequate road, waste-management, water or waste water facilities, connections and treatment as appropriate.
- 6.16 A single parking space is proposed to the east of the building at the edge of the field. Consultation with Infrastructure Services (Roads Development) and Transport Scotland raised no objection to this proposal subject to conditions.
- 6.17 The proposed path which leads from the car parking space to the building is to be accessed from a gate. Although details have not been provided on a plan, the agent/applicant has indicated that the finishes are proposed to be informal in nature bound by a timber fence. Full details are to be required by condition prior to commencement of development however, this type of footpath would likely be considered acceptable.
- 6.18 No public or private water supply or foul drainage services are proposed as part of this application and no waste is proposed to be generated.
- 6.19 The proposal can be adequately serviced and complies with the relevant aspects of Policy RD 1 Providing suitable services.

Other considerations

- 6.20 Policy P4: Hazardous and potentially polluting developments and contaminated land states we will refuse development if there is a risk that it could cause significant pollution, create a significant nuisance, or present an unacceptable danger to the public or the environment. This includes developments near facilities identified as hazardous and pipelines. Consultation with the Health and Safety Executive and National Grid/Cadent has no objection to the proposal on safety grounds. The proposal complies with Policy P4.
- 6.21 Policy HE1: Protecting historic buildings, sites and monuments protects all listed buildings, archaeological sites and scheduled monuments. Consultation with Infrastructure Services (Archaeology) has identified the site lies within and directly impacts a cropmark archaeology site, possibly indicative of a Roman camp, and is in close proximity to another site which is the remains of a stone circle. A condition is requested to ensure a programme of archaeological works is undertaken.

Summary

- 6.22 The proposal for a building to accommodate a Class 4 Use is considered an acceptable departure to Policy R2 Housing and employment development in the countryside and Policy B1 Employment and business land due to the specific technical and locational requirements of the proposed use which can be sufficiently controlled through the use of conditions to grant only temporary permission, directly linked to the operating business whilst requiring full restoration of the site once the specific operations have ceased. The proposed application will make a contribution to the aims of the Regional Economic Strategy 2018-2023 Action Plan. The site is acceptable, on balance in terms of layout, siting and design and can be adequately served. There are no objections from consultees and no letters of representation.

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 integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 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.
- 8.4 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.

9. Departures, Notifications and Referrals

9.1 Strategic Development Plan Departures

None

9.2 Local Development Plan Departures

Policy B1 Employment and business land
Policy R2: Housing and employment development elsewhere in the countryside

- 9.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. The period for receiving representations has expired.

- 9.4 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.
- 9.5 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.

10. Recommendation

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

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 31 December 2030 (the cessation date). Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments and reinstated in accordance with the agreed restoration scheme submitted to and approved in writing by the planning authority under the terms of condition 4 of this permission.

Reason: To enable the impact of the temporary development on the amenity of the surrounding area to be reviewed and to ensure the appropriate restoration of the site.

2. The building hereby approved shall be used only for the purposes incidental to the operation of Azimuth Oilfield Systems and shall not be used for any other purpose without the express grant of planning permission from the Planning Authority.

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use.

3. No works in connection with the development hereby approved shall commence unless full details of a scheme for the restoration of the application site have been submitted to and approved in writing by the planning authority.

The restoration scheme shall include details of:

- a) Existing hard and soft landscape features and vegetation to be retained
- b) Existing trees, shrubs and hedges to be removed
- c) Cross sections identifying existing and proposed finished levels.
- d) The location, design and materials of any hard landscaping works including walls, fences and gates.

All soft and hard landscaping proposals shall be carried out in accordance with the approved restoration scheme and agreed timescales. Any planting which, within a period of 5 years from the completion of the restoration scheme, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to

those originally planted. Once provided, all hard landscaping works shall thereafter be permanently retained. All works required as part of the approved restoration scheme shall be undertaken prior to the cessation of this temporary permission. Any changes to the agreed timeframe for implementation shall require the prior formal written agreement of the planning authority.

Reason: To ensure the timely and appropriate restoration of the site following the expiry of this temporary permission in the interests of the visual amenity of the area.

4. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved written scheme of investigation. The written scheme of investigation shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

5. No works in connection with the development hereby approved shall commence unless full details (including site plan) of the path materials, finishes and boundary treatment has been submitted to and approved in writing by the planning authority.

The provision of the path and boundary shall be carried out in accordance with the approved aforementioned plan. Once provided, all path works and boundary treatment shall thereafter be retained for the duration of the permission set out in Condition 1.

Reason: To ensure the implementation of an appropriate means of pedestrian access.

6. The building hereby approved shall not be occupied unless off-street parking for 1 car, surfaced in hardstanding materials has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, the parking area shall be retained for the duration of the permission as set out in Condition 1.

Reason: To ensure the timely completion of the parking space to an adequate standard in the interests of road safety.

10.2 That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan 2017.

Due to the specific technical and locational requirements of the proposed use as a magnetometer testing facility (Class 4 Use), it is considered an acceptable departure to Policy B1 Employment and business land and Policy R2: Housing and employment development elsewhere in the countryside. The proposal complies with all other relevant policies of the Aberdeenshire Local Development Plan 2017.

Alan Wood
Director of Infrastructure Services
Author of Report: Fiona Rendall (Planner)
Report Date: 31/08/2021