



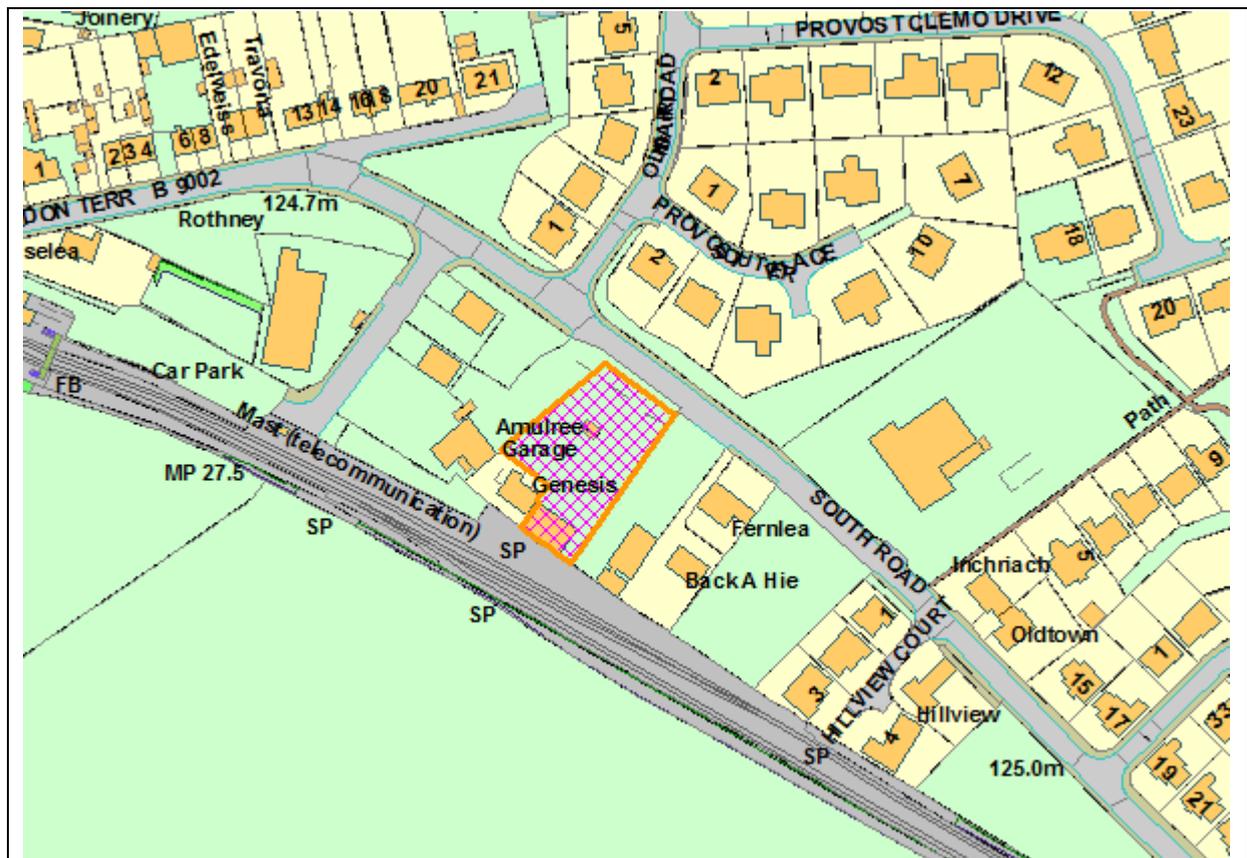
Garioch Area Committee Report – 9 November 2021

Reference No: **APP/2021/1464**

Full Planning Permission for Erection of 9 Garages at The Kiosk, South Road, Inch, Aberdeenshire.

Applicant: Souter Window Cleaning
Agent: RJM Architectural Design

Grid Ref:	363136 827562
Ward No. and Name:	W10 – West Garioch
Application Type: Local	Local
Representations:	0
Consultations:	4
Relevant Proposals Map Designations:	Within Inch Settlement, OP2
Complies with Development Plans:	No
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.3.1c 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 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 This application seeks full planning permission to erect 9 garages at 'The Kiosk', South Road, Inch. The site currently has a garage building to the rear southern corner of the site. Centrally within the site is a small, prefabricated office adjoined to a small shop / kiosk that is surrounded by a large forecourt / parking area. The site gently slopes up towards the southwest boundary. The site is bounded to the northeast by the South Road. A low rendered wall and two accesses are set back approximately 8m southwest from South Road. The site is currently operated by the applicant as a base for an established family run window cleaning business.
- 2.2 To the immediate northwest of the site is a commercial garage. To the southeast there is a workshop and yard area. To the north, on the opposite side of South Road are existing single storey detached houses on Old Mart Road and Provost Souter Place. The site is bounded to the southwest by an existing vacant dwellinghouse. The Inverness-Aberdeen railway line runs along the remainder of the south-western boundary of the site, with open fields beyond this. Foul and surface water from the site currently drain into a combined sewer on the South Road.
- 2.3 The site is located within the Inch settlement boundary towards the southern edge of the boundary as defined in the Aberdeenshire Local Development Plan 2017. The site forms part of the south-eastern extent of the OP2 designation, approximately 1/3 of the overall designation. OP2 is identified as an opportunity site in the current local development plan for up to 12 houses, with an onsite provision of 3 affordable dwellings.
- 2.4 It is proposed to erect a row of 9 garages along the north-western boundary of the site. Each garage would have a footprint of 4m x 6m and would form a terrace of approximately 36m x 6m. The area where the garages would be sited would be partially levelled and excavated by up to 1m to the south-western corner of the site to create a more gently sloping site. The terrace of garages would gently slope from southwest to northeast and would be orientated to face into the site. The garages would be formed in 3 groups of 2 and 1 group of 3 with shared metal profile sheet mono pitched roof. The roofs would slope from approximately 3m in height to the northwest elevation up to 3.4m to the southeast. The southeast elevation will feature 9 grey roller shutter doors for each garage and there will be no openings or features to the northwest, northeast or southwest elevations. The garages will be finished

with roughcast walls, black PVCu rainwater goods and grey painted timber facias and soffits.

- 2.5 The north-western boundary and the south-eastern boundary will be fully enclosed by a new 1.8m high steel palisade security fence. A new access will be formed on the north-eastern boundary of the site towards the eastern corner and new 1.8 high steel palisade security fencing will be erected either side.
- 2.6 All the existing buildings will be retained on the site. A car washing area is indicated halfway along the south-eastern boundary. The proposed plan also indicates a forecourt area to the northeast of the main office building and parallel with the proposed garage block. A new gravel trench soakaway will be formed within the forecourt area. It is proposed to drain the entire new roof area to the new soakaway to allow the rainfall to continue being infiltrated to the ground as per the current situation to the combined sewer on South Road.
- 2.7 There is relevant planning history to the application site.
- ENQ/2020/1897, advised the applicant that the principle of a non-housing use on the site was unlikely to be supported by the Planning Service under the existing local development plan.
 - APP/2014/1334, Planning Permission in Principle, Residential Development, Refused December 2015
- 2.8 The application (APP/2014/1334) proposed a housing development of 12 units across the whole OP2 site which was previously referred to as H2 under the Aberdeenshire Local Development Plan 2012. The plans submitted were only indicative, but proposed a mix of flats, detached and semi-detached dwellings. All technical issues were resolved, and the principle of the development was considered to be acceptable and complied with the Aberdeenshire Local Development Plan 2012 which was the current plan at that time. However, the application was ultimately refused due to the failure of the applicant to conclude the necessary legal agreement to secure an agreed package of developer obligations which were required to offset the impacts brought about by the proposal. As the planning application was still pending when the 2017 Local Development Plan was under consideration the site was rolled forward and renamed OP2.
- 2.9 A range of supporting information has been submitted with the application:
- Support Statement** has been prepared by the agent RJM Architectural Design, dated June 2021. The statement includes background information, as well as an overview of relevant local policy and the proposed design solution.
- Supplementary Support Statement** has been prepared by the agent RJM Architectural Design, dated September 2021. The statement gives further background information including perceived constraints to developing the site for housing, detailed planning history, economic information and an in-depth assessment of the character and context of the site.
- Drainage Impact Assessment** prepared by the agent RJM Architectural Design, dated September 2021. The report details that a soakaway will be

provided to drain the new roofed area. The report confirms that no other foul or surface water drainage changes are proposed and the proposed soakaway and existing foul and surface water drainage and new soakaway will all drain into the combined sewer as is the case presently.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

Internal

4.1 **Environment and Infrastructure (Contaminated Land)** states that due to past and current activities at the site the ground is potentially contaminated. It asserts that if an application was submitted for a change of use of the site it would ask that a full site investigation be undertaken. However, as the proposals are for the erection of a new building associated with the existing use of the site, it recommends that a formal note detailing the potential for historic contamination is included as an informative.

4.2 **Environment and Infrastructure (Flood Risk and Coastal Protection)** initially objected to the application and requested a Drainage Impact Assessment (DIA). On receipt of a DIA it commented that it was satisfied with the submitted information subject to the conditioning of the new drainage system and its maintenance and an informative with regard to further information at Building Warrant stage.

4.3 **Environment and Infrastructure (Roads Development)** initially objected to the proposal due to insufficient visibility and raised queries about the proposed garaging's proximity to the public road. On receipt of amended plans it confirmed that it does not object to the proposal subject to conditions being attached to any approval document.

External

4.4 **Network Rail** states that after examining the proposal it considers that it will have no impact on railway infrastructure and has no comments/objections to the application.

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 H1 Housing land

Policy P1: Layout, siting and design

Policy P4: Hazardous and potentially polluting developments and contaminated land

Policy RD1: Providing suitable services

Policy C4 Flooding

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

None

6. Discussion

- 6.1 This application seeks full planning permission the erection of 9 garages at The Kiosk, South Road, Inch. The main issues to be addressed in the determination of the application include the acceptability in principle of the proposed development, technical requirements and the layout, siting and design of the proposal.

Principle of Development

- 6.2 The application site forms the south-eastern extent of the OP2 Inch site. OP2 is an allocation for 12 houses under the current Local Development Plan 2017. The proposal therefore requires to be assessed under Policy H1 Housing Land. Policy H1 states that no other types of development on designated housing land will be allowed unless it is linked to the housing use and still allows the site to be developed to approximately the housing numbers shown in the settlement statements, which would not be possible if the garages proposed are built.
- 6.3 Detailed supporting information has been submitted by the applicant in an effort to justify departing from Policy H1. The first supporting statement sought to justify the departure due to the removal of the OP2 site from the Proposed Local Development Plan (LDP) 2020. However, as the current 2017 Local Development Plan is the most up to date plan no significant weight can be put on the Proposed LDP.
- 6.4 A Supplementary Statement was submitted; this highlights that the application site covers approximately 32% of the OP2 allocation and that the remaining 2/3 of the site is under multiple owners. It is asserted that the application site could not realistically be brought forward alone and bringing the site forward in its entirety would require purchase of land or co-ordination and collaboration with unknown and multiple owners. The statement points out that the applicant does not wish to sell or vacate the site as they would have to find a new location for the business which would be disruptive.
- 6.5 The Supplementary Statement asserts that the site would be more costly to develop for residential purposes than commercial. At the time of the APP/2014/1334 proposal for housing, there was a requirement for a contaminated land assessment to be carried out due to a Phase 1 desktop study identifying seven potential sources of contamination that required further investigation and potential remediation. Maintaining the current use of the site and developing further garaging does not require any further assessment of contamination or remediation.

- 6.6 The Supplementary Statement identifies the proximity of site to the Aberdeen to Inverness Railway line as a further constraint to developing the site for residential purposes. The statement quantifies that this is likely to restrict aspects of the development and may impact on the proposed design solution with more costly construction, engineering and acoustic mitigation measures required. If the site was developed further commercially no such costs or restrictions are required.
- 6.7 Finally, the Supporting Statement and Supplementary Statement both give background information about the applicant, Souter Windows. It is stated that the proposed garaging is a much needed and urgent investment. The garaging would ensure smooth operation of the business in winter months so that the work vehicles can be protected from inclement weather. Time defrosting vehicles or clearing snow from vehicles would be saved. Both statements also detail that the family run window cleaning business has been established for 30 years, has over 20 employees as well as subcontractors. While the applicant understands that the proposal is more likely to be supported under the Proposed LDP 2020, the Supplementary Statement highlights there is no confirmed date for the new plan's adoption and it is of paramount importance that they have the garaging in place this winter.
- 6.8 Prior to submission of the application, the Planning Service advised the applicant that it would be unlikely to be able to support the proposed development due to the OP2 allocation in the local development plan. However, the ownership and other constraints on the site are now better understood and it is acknowledged that developing the site for residential purposes would incur significant additional costs, which may make viability of the site extremely challenging. Whilst significant weight cannot be given to the Proposed Local Development Plan, it does represent the settled view of Aberdeenshire Council, albeit subject to the ongoing Examination process.
- 6.9 It is accepted that the Planning Statement and the Supplementary Statement provide evidence of the significant constraints, challenges and financial risk of developing the site for residential purposes. While no material weight can be put on the removal of the site from the emerging LDP there are clearly other more readily developable sites within the Inch settlement boundary which could address housing demand in the area. The site has an existing commercial use and the proposed development does not constitute a change of use, rather an intensification of an existing use. The application site was purchased by the applicant as an existing commercial site and the applicant is successfully running the site as a base for their window cleaning business, which could continue. The site is bordered to the northeast and southwest by compatible commercial/industrial uses. A case has also been made about the urgency to erect the garaging to improve the overall efficiency of an established local business and employer.
- 6.10 It is therefore concluded, on balance, that there is a very limited prospect of the application site being developed for housing and the proposed garaging would enable the applicant to run the site and business more efficiently. If the proposal is granted, a portion of the allocated site will remain and could be utilised for housing or an alternative use as an infill site, subject to compliance with relevant policy considerations. The proposal is therefore considered an acceptable departure to Policy H1 Housing.

Layout, Siting and Design

- 6.11 Policy P1 Siting, layout and design aims to ensure that all development is of a high quality, is appropriate to its setting and does not adversely impact on the character of the area. The garaging will face into the gently sloping site. The design of the garaging takes into account the sloping contours of the site. The garaging is low rise in scale and would be gable end onto South Road to the northeast. The design and siting of the garaging ensures that it is relatively unobtrusive. The proposed drydash walls and corrugated metal profile sheet roof to the garages is considered appropriate in the context of the site. The new 1.8m high palisade fencing is in keeping with the aesthetic of the site and the existing commercial uses to the northwest and southeast.
- 6.12 The proposal does not constitute a change of use but the proposed garaging could be considered an intensification of an existing use. It is considered that the garaging would be unobtrusive, of a suitable scale and would not erode the character of area the amenity of neighbouring properties or the surrounding area. The proposal complies with Policy P1 Siting, layout and design.

Technical Matters

- 6.13 Contaminated Land states that due to past and current activities at the site the ground is potentially contaminated. It asserts that if an application was submitted for a change of use of the site it would ask that a full site investigation be undertaken. However, as the proposals are for the erection of a new building associated with the existing use of the site, it recommends that a formal note detailing the potential for historic contamination is included as an informative. Network Rail states that after examining the proposal it considers that it will have no impact on railway infrastructure and has no comments/objections to the application. The proposal complies with Policy P4: Hazardous and potentially polluting developments and contaminated land.
- 6.14 Policy RD1 Providing Suitable Services states that we will only allow development that provides adequate road, waste-management, water or wastewater facilities, connections and treatments as appropriate. The proposed building will be connected to the existing public drainage infrastructure and connect to the public water supply network.
- 6.15 Roads Development initially objected to the proposal due to insufficient visibility and raised queries about the proposed garaging's proximity to the public road. On receipt of amended plans it confirmed that it does not object to the proposal subject to conditions being attached to any approval document. The proposal complies with Policy RD1: Providing suitable services.
- 6.16 Flood Risk and Coastal Protection initially objected to the application and requested a Drainage Impact Assessment. On receipt of a DIA it commented that it was satisfied with the submitted information subject to the conditioning of the new drainage system and its maintenance and an informative with regards to further information at Building Warrant stage. The proposal complies with Policy C4 Flooding.

Conclusion

- 6.17 In conclusion, the proposal is considered to be an acceptable departure to Policy H1 of the 2017 Local Development Plan. It has been demonstrated that the application site has a number of constraints and potential viability issues should the application site be developed for housing. Since an earlier, refused planning application, there has been no recent interest in developing the site for residential use. It seems highly unlikely given the significant technical challenges of developing the site and the absence of any pending or extant consents that housing will be brought forward on the site prior to the adoption of the new plan. The site would not make a significant contribution to housing in the area and there are other more readily developable sites within Insch that could come forward. The application site is already being operated for commercial and employment purposes. The proposed garaging would constitute an investment and ensure the future productivity of an established local employer. There are no other material considerations that would justify a recommendation of refusal and it is in compliance with all other relevant policies contained within the Aberdeenshire Local Development Plan 2017

7. Area Implications

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

8. Implications and Risk

- 8.1 An 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 H1 Housing Land

- 9.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. No representations have been received and 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 on the basis that the departure from the Local Development Plan is not considered to be significant in terms of Appendix C of Part 2C Planning Delegations of the Scheme of Governance.

10. Recommendation

10.1 GRANT Full Planning Permission subject to the following conditions:

1. The vehicular access hereby approved shall not be brought into use unless it has been provided and surfaced in accordance with the details shown on the approved plans and the drop kerb footway crossing has been formed at the new access. The first five metres of the access measured from the back of the footway shall be fully paved. Once provided, the access shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

2. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility splays, measuring 2.4m by 59m to be formed on either side of the junction of the vehicular access with the public road in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

3. The development hereby approved shall not be brought into use unless the proposed surface water drainage systems have been provided in accordance with the approved plans and the Drainage statement prepared by RJM Architectural Design, dated September 2021. The surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

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

The proposal is considered to be an acceptable departure to Policy H1 Housing Land of the 2017 Local Development Plan. It has been demonstrated that the application site has a number of constraints that demonstrate the practical and feasibility challenges associated with developing the site for housing. The constraints combined with the planning history and fragmented ownership of the site make it highly unlikely that housing will be brought forward on the site prior to the adoption of the emerging LDP. The site would not make a significant contribution to housing in the area and there are other more readily developable sites within Insch that could come forward.

Alan Wood
Director of Environment and Infrastructure
Author: Hilary Wilkinson (Planner)
Report Date: 21/10/2021