

Kincardine & Mearns Area Committee Report 23 August 2022

Reference No: APP/2021/1634

Full Planning Permission For Change of Use to Storage and Siting of 8 Storage Units (Retrospective) at Hantons Garage, 25 High Street, Laurencekirk, Aberdeenshire, AB30 1AA

Applicant: Mr Alan John Benton, 8 Gardenston Street,
Laurencekirk, AB30 1UG

Agent: No Agent

Grid Ref: E:371808 N:771454

Ward No. and Name: W19 - Mearns

Application Type: Full Planning Permission

Representations 1

Consultations 2

Relevant Proposals

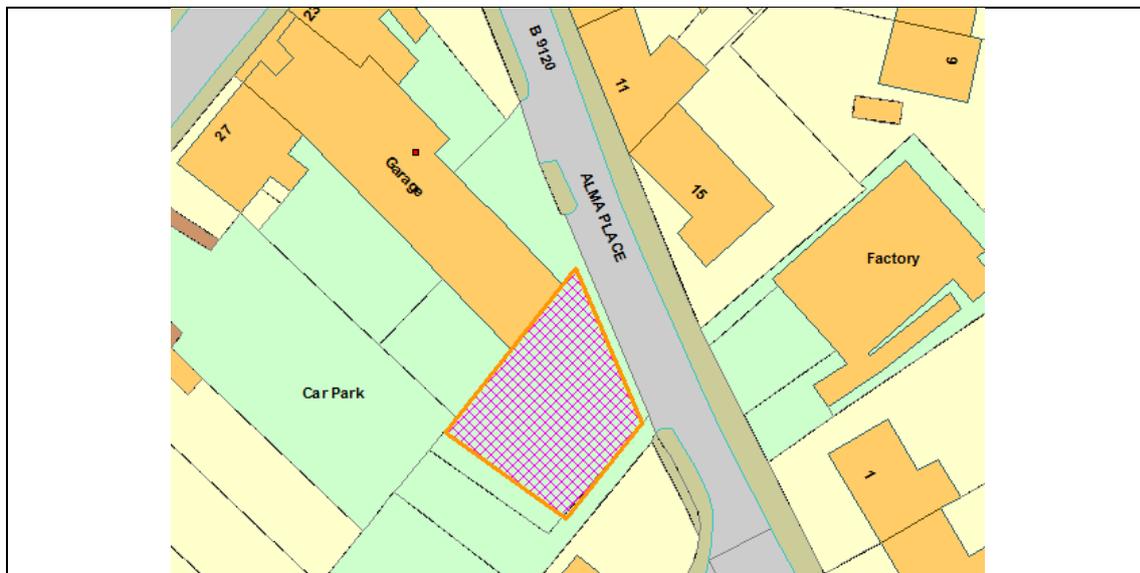
Map Aberdeenshire Local Development Plan 2017

Designations: Within Settlement

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.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee. In addition, the Committee is able to consider and take a decision on this item in terms of 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 This application retrospectively seeks full planning permission for the change of use of land and the siting of eight storage containers at Hantons Garage, 25 High Street, Laurencekirk.
- 2.2 The application site is located centrally within the Laurencekirk settlement boundary as defined by the Aberdeenshire Local Development Plan 2017. The site is accessed via Alma Place and features eight storage containers used by neighbouring businesses for storage. The containers are laid out in an L shape pattern and are of a typical design and finish. Informal parking is provided for users of the containers in a forecourt style manner in an area which also serves as an access for a car repair garage. The site is surrounded by a mixture of uses including residential, light industrial, retail and a car repair garage. To the west of the site is the Robson Car Park which can be accessed via a path from the application site.
- 2.3 The storage containers were located at the site and brought into use in the absence of planning permission and this application seeks permission for the siting of the containers for storage use for a temporary period of three years. The Planning Service understands that the applicant is seeking a more permanent storage solution which could serve neighbouring businesses and is actively seeking a site for this. The storage containers are already in situ and all are in use by a variety of local businesses. The car parking arrangement is to remain as is with an informal arrangement for users of the site to pick up or drop off goods to the individual containers.
- 2.4 In support of the application, the applicant has provided a supporting statement which outlines the parking arrangements at the site as well as confirming the current users of the containers. The businesses using the containers for storage range from retail, light industrial and the adjacent car garage business S&J Motors.

3. Representations

3.1 A total of 1 valid representation (1 objection) has been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- *Impact on parking*
- *Road Safety*
- *Noise*
- *Increased carbon footprint in surrounding area*
- *Impact on surrounding businesses*

4. Consultations

4.1 **Environment and Infrastructure Services (Environmental Health)** initially sought further information on the use of the containers including access arrangements, operational hours and any noise emitting uses. Following the submission of information by the applicant, the Service confirmed it had no objection to the proposed development.

4.2 **Environment and Infrastructure Services (Roads Development)** initially requested further information from the applicant specifying the use classes in occupation at the storage containers, employee numbers as well as loading and unloading provisions for any deliveries. Following the receipt of two separate forms of correspondence from the applicant, the Service noted that the information requested had not been provided. It therefore objected to the proposal on the basis that insufficient information had been provided to allow the Service to comment.

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 (SDP) 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 P3: Infill and householder developments within settlements (including home and work proposals)

Policy P4: Hazardous and potentially polluting developments and contaminated land

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 2022 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. The Reporter's report of Examination of the Proposed LDP 2020 has now been published (24 June 2022). Notwithstanding, there is currently no authority to use the Proposed Local Development plan as a substitute for the Local Development Plan 2017. The weight that can be given to the phrase "settled view of the Council" can only be interpreted in the context of the publication of the Proposed Local Development Plan 2020 (March 2020). Even with the certainty associated with the Reporters' Report it still remains only a material consideration in determining planning applications. However, consideration will be given on a case by case basis where the weight of the Reporter's

Report should be given overwhelming significant weight when it is most advantageous to the applicant's proposals. SPP Paragraph 34 is of associated relevance.

The Scheme of Governance reserves determination of planning policy to Full Council for resolution. As such until the Proposed Local Development Plan 2020 has been formally adopted by Full Council (as LDP 2022) can this be considered as the Council's "settled view".

It should be borne in mind that the LDP has been written to be implemented as a whole and not the selective use of agreeable parts.

On the 18 April with reference to the legislation the LDP 2017 becomes technically 'out of date'. Notwithstanding the Aberdeenshire LDP 2017 remains the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted. Currently Scottish Planning Policy (SPP) deals with this circumstance at Paragraphs 32 to 34. The policies of the LDP 2017 are reflective of the policy position within SPP. Both SPP and the National Planning Framework 3 are confirmed as significant influences on the content of the plan, as confirmed within Section 2 – 'Influences of the Plan'. In summary, when a development plan is more than five years old the presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. All of these matters however are already embedded within the policies of the Local Development Plan 2017 and deemed robust in their consideration.

6. Discussion

- 6.1 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. This must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.
- 6.2 This application seeks full planning permission for the change of use of land to storage and the siting of eight storage container at Hinton's Garage, 25 High Street, Laurencekirk. The main considerations in the determination of this application are the principle of development as well as the impact on the surrounding character and amenity. Access, parking and noise must also be considered.
- 6.3 Policy P3: Infill and householder developments (including home and work proposals) supports development on vacant sites within a settlement boundary that have no specific land use allocation (also known as infill developments), as long as the development respects the scale, density and character of its surroundings and does not erode the character or amenity of the surrounding area.

- 6.4 The application site has no specific land use allocation and has most recently been used in association with the adjacent car garage. The siting of eight storage containers is not out of character for the surrounding area which features a broad mixture of uses. It is raised within a public comment objecting to the development that the containers have a negative impact on the surrounding businesses. From the information provided by the applicant, it is evident that these containers are used by business in the surrounding area. The Planning Service therefore considers that the containers actually aid the businesses by providing off site storage solutions. The application seeks permission for a temporary period of three years and a condition shall be attached requiring that the site be restored following the three year period. The storage containers would be visited on an ad hoc basis to pick up or drop off goods by users and as such would not adversely impact neighbouring amenity. Furthermore, the scale and design of the containers is relatively neutral and would have no adverse impact on the character of the surrounding area. In summary, the Planning Service considers that the temporary siting of storage containers at the application site for a three year period would respect the character of the surrounding area and would have no adverse impact on neighbouring amenity. The proposal therefore complies with Policy P3 and is acceptable in principle.
- 6.5 Policy P4: Hazardous and potentially polluting developments and contaminated land notes that we will refuse development if there is a risk that it could create a significant nuisance. It is highlighted in a public comment objecting to the application that the development creates noise. The Council's Environmental Health Service was consulted and initially requested further information from the applicant regarding the use and operation of the site. Following the submission of this the Service confirmed it had no objection to the development. The surrounding area features car repair garages as well as light industrial uses. Visitors to the storage containers would either be collecting items from the site or delivering items to the site on an infrequent basis. In the context of the surrounding area, this would not create levels of noise which could result in a nuisance. The application is therefore considered to comply with Policy P4.
- 6.6 Policy RD1: Providing suitable services requires all development to be suitably accessed and provide a sufficient level of parking. The Council's Roads Development Service was consulted and objected to the development. The Service sought further information from the applicant on the users of the containers, employee numbers, unloading provisions and parking provision at the site. The applicant provided a letter outlining general information of the site including the users of the container's however, this did not specify parking detail for the site. Following this, the Roads Service again highlighted that insufficient information had been provided and maintained its objection. The applicant subsequently provided further information but again the Roads Service requested further information and maintained its objection. Further concern regarding the development is raised in a public comment objecting to the proposal. This highlights that the development causes road safety

concerns, an adverse impact on parking in the area and an increased carbon footprint.

- 6.7 Having considered the proposal, and the information provided by the applicant, the Planning Service consider that in this instance the development can be supported as a departure from Policy RD1. While the concerns of the Roads Development Service are acknowledged, it is considered that the proposal can be supported on a temporary basis for three years and will not cause road safety or parking issues at the site. While no formal parking arrangement is provided to allow an assessment against the Council's Car Parking Standards, there are spaces for several cars to park in an informal manner. Furthermore, the site is being used on a fairly infrequent basis for drop off and collection to the respective containers. This would result in a low requirement for parking therefore, the informal parking arrangement is considered acceptable in this instance. The containers have been in situ for more than two years and during that period, no complaints have been received in relation to parking or road safety at the site. There is also formal parking at the adjacent Robson Car Park, which can be accessed from the application site, as well as on street parking on Alma Place. In terms of access, the site has an existing access from Alma Place which can continue to serve the storage containers for the three-year temporary period. Furthermore, any users of the site parking within the site would have sufficient visibility when exiting the site. Considering the use of the site as well as the parking available, the Planning Service consider that there is sufficient justification to depart from the requirements of Policy RD1 and to recommend approval of the application despite the outstanding objection of the Roads Development Service.
- 6.8 In respect of the carbon footprint produced by the development, the Planning Service do not consider that approving the application for a temporary period will generate a level of traffic which will significantly increase emissions at the site. Conversely, many of the businesses using the site are located on the high street. In providing a storage solution within close proximity of the high street, it could reduce the need for vehicle trips to storage facilities further afield.
- 6.9 The application received one letter of public representation objecting to the development. All matters raised within the objection have been considered above.
- 6.10 In conclusion, the Planning Service consider that the development is acceptable in principle with no adverse impact on neighbouring amenity or nuisance. The application is recommended for approval despite objection from the Roads Development Service and as a departure from Policy RD1. The Planning Service consider that, on balance, the informal parking arrangement at the site can be accepted for a temporary period of three years. Beyond this, further consideration can be given to the future use of the site. The application is therefore recommended for approval.

7. Area Implications

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

8. Implications and Risk

- 8.1 An 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 RD1: Providing suitable services

- 9.3 The application is 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.
- 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 subject to the following conditions:-**

01. Planning permission is hereby granted for a temporary period only and shall cease to have effect 3 years from the date of this notice. 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 permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992).

Reason: To ensure that the temporary development is timeously removed in the interests of the visual amenities of the area.

10.2 **Reason for Decision**

The application is not considered by the Planning Authority to be in complete accordance with the Aberdeenshire Local Development Plan (2017), however the principle of development is acceptable, and the proposal would have no adverse impact to neighbouring amenity or the character of the surrounding area. The application does not strictly accord with Policy RD1: Providing suitable services and the Council's Roads Development Service has objected to the development. It is considered though that on balance, the application can be supported for a temporary period of three years on the basis of the existing informal parking arrangement as well as the infrequent use of the site.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Iain McMillan
Report Date: 11 August 2022

[REDACTED]
To: [Planning Online](#)
Subject: FW: ***URGENT*** APP/2021/1634 - Mr Alan John Benton
Date: 11 November 2021 21:59:14

Re : APP/2021/1634 - Change of use to Storage and Siting of 8 Storage Units- Hattons Garage ,
25 High Street , Laurencekirk , Aberdeenshire AB30 1AA (Mr Alan John Benton)

Dear Mr Macari

I refer to the above planning application and I wish to hereby OBJECT to this proposal in the strongest terms possible , on the following “common sense” grounds please :-

1. We have an inadequate and very crowded parking situation in the adjoining roads , especially so at the blind corner where Alma Place meets the High Street , as over the last 18 months or so , i've witnessed many near misses, and in my view it would be fair to say that this planning proposal is likely to put even more pressure on the now over populated and very congested road traffic system in this area.
2. The unacceptable loud noises at all hours coming from these specific units in the planning application , and all of the existing buildings owned by the Proposer.
3. Mr Benton and his Employees seemingly constantly ignoring double yellow lines and local parking restrictions with all of his vehicles - almost on a daily basis.
4. Fork Lifts and other industrial equipment and/or unlicensed motor vehicles being driven on a public road routinely usually with no UK Registered Numberplates fixed to them , presumably no suitable insurance nor UK Road Fund Licence evident.
5. The potential increase in the carbon footprint in the area with the massive increase in non recycled packing material and associated equipment being proposed to be used and/or stored at this precise site.
6. The massive projected increase in the risk of Fire , and the notable absence of proper fire risk prevention equipment due to the proposed change of use to “storage”
7. The planned activity by the Proposer will be totally detrimental to all other local business , namely the very popular Alma Restaurant (directly opposite the proposer's premises) which in my considered opinion ought to deserve a more tranquil setting as neighbours , and in addition to this it would also be clear that Tourists to the area would be subject to severely restricted road access, increased industrial noise and pollution as opposed to enjoying themselves at a well renowned Hospitality setting.

I trust that the Council's most respected and well experienced Planning Department will take into full account the above material fact and duly seek to REJECT this application forthwith and without delay in this instance.

Without Prejudice

Mr William Docherty ESQ,
21B High Street
Laurencekirk
Aberdeenshire AB30 1AA

