

Kincardine & Mearns Area Committee Report 13 September 2022

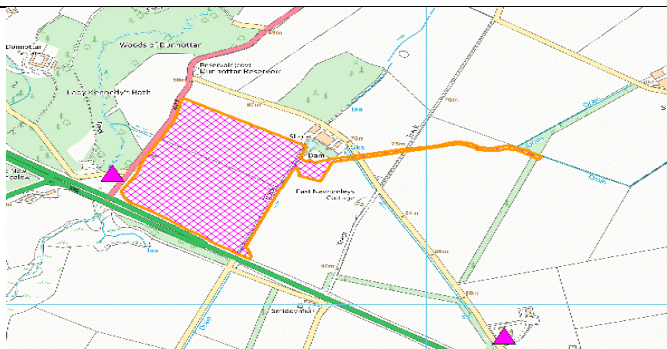
Reference No: APP/2019/1949

Approval of Matters Specified in Conditions For Condition 1 a) (Layout and Siting) b) (External Appearance and Finishing Materials), c) (Landscaping and Tree Protection), d) (Levels and Cross Sections), e) (Disposal of Foul and Surface Water), f) (Street Engineering and Quality Audit for Road Network), g) (Road/Pedestrian/Cycle Layout), h) (Car Parking/Vehicle Turning Area), 4 (Protection and Enhancement of the Water Environment) of Planning Permission in Principle APP/2014/3671 for Formation of Business Land (Classes 4, 5 and 6) and Associated Access, Drainage and Landscaping at Site Adjacent to A92/A957 Junction, East Newtonleys, Stonehaven

Applicant: Bancon Group & Dickinson Trust Ltd, C/o
Burnett House, Burn O'Bennie Road,
Banchory Business Park, Banchory, AB31
5ZU

Agent: Mackie Ramsay Taylor, 47 Victoria Street,
Aberdeen, AB10 1QA

Grid Ref: E:386806 N:784355
Ward No. and Name: W18 - Stonehaven and Lower Deeside
Application Type: Approval of Matters Specified in Conditions
Representations 1
Consultations 5
Relevant Proposals Aberdeen Local Development Plan 2017
Map
Designations: ALDP Allocated Site OP5
Complies with
Development Plans: Yes
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.3.1e of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from five or fewer individuals or bodies with separate postal addresses or premises, and at least two of the total number of Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.
- Cllr Sarah Dickinson: 'For further discussions on the drainage arrangements'
 - Cllr Wendy Agnew: 'Further discussion required in respect of traffic management, road safety, layout, siting and design'
- 1.2 This application was deferred at the meeting of the Kincardine and Mearns Area Committee on 23 August 2022 as the Committee agreed to carry out a site visit 'to see the application site in its wider setting, layout and location'. The site visit was carried out on 6 September.
- 1.3 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 The site cover 9.5 ha of farmland located at East Newtonleys, to the south side of Stonehaven and immediately adjacent to the A92. The A957 runs along the western boundary. The consented Mearns Business Park lies immediately to the east. To the north is a 65m deep strip of retained farmland and minor road connecting the A957 to the C27k at the Mains of Dunnottar farm junction. The site is allocated for employment land (OP5: East Newtonleys) in the Aberdeenshire Local Development Plan 2017.
- 2.2 Outline Planning Permission was granted for the adjacent site in 1997 as part of a range of proposals for Stonehaven called in for determination by Scottish Ministers. An Approval of Reserved Matters application was subsequently approved in 2005 (Ref KM/APP/2003/1551) and a material start made on site thereafter, maintaining the permission in perpetuity.
- 2.3 The allocation of an additional 7ha of employment land on the application site was identified in the 2012 Local Development Plan as necessary to meet the employment land requirements set in the Strategic Development Plan as this would allow a sharing of major infrastructure between the 2 sites notably the new roundabout and services. It is understood that this 'economy of scale' will aid the viability of the site and ensure it is built out.

- 2.4 Planning permission in principle for the formation of business land (classes 4.5 and 6), access, drainage and landscaping was approved on 31st October 2016 under planning reference APP/2014/3671.
- 2.5 This planning application seeks to address the matters specified in condition 1 of planning permission in principle reference APP/2014/3671 (granted on 31st October 2016). These include:
- Details of layout and siting (condition 1a)
 - Details of external appearance and finishing materials (condition 1b)
 - Details of landscaping and tree protection (condition 1c)
 - Details of levels and cross sections (condition 1d)
 - Details of the disposal of foul and surface water (condition 1e)
 - Details of the street engineering and quality audit for the road network (condition 1f)
 - Details of road, pedestrian and cycle layout (condition 1g)
 - Details of car parking and vehicle turning areas (condition 1h)
 - Details of protection and enhancement of the water environment (condition 4)
- 2.6 In terms of layout, siting and design, it is proposed to develop the business park as 5 plots comprising workshop/warehouse buildings with integral office accommodation together with associated parking, yard areas, landscaping and infrastructure for Classes 4 (Business), 5 (Light Industrial) and 6 (Storage and Distributions). In terms of layout, one of the plots (plot 3) would be located in the centre of the site and would be surrounded by the 4 remaining plots on its four corners. Each plot would have its dedicated yard area and car parking spaces and would accommodate a functional shed measuring 17m wide x 43m long x 9.2m high to the apex and 6.4m to the eaves with 1.15m overhangs. The buildings would be finished in a mix of materials including:
- profile metal roof cladding (natural aluminium),
 - powder coated metal eaves and verge flashings (slate grey)
 - Facing blocks (light grey)
 - Micro-ribbed horizontal wall cladding panels (mid grey)
 - Steel doors and aluminium windows with powder coated finish (slate grey)
 - Sectional overhead door (mid grey) an
 - Timber cladding (clear stain)
 - Galvanised external steelwork features (white painted)
- 2.7 In terms of landscaping, it is proposed to have significant landscape screening to all sides of the business park. On the north, west and south sides this would consist of a 20m buffer strip comprising dense planting land-forming. On the east side which faces phase 1 of the business park, this would consist of a narrower 12m strip of dense planting with approximately 8m of

landscaped verge in front. A detailed landscaping scheme has been submitted.

- 2.8 In terms of site drainage, it is proposed to deal with surface water by mean of SuDS measures. This would include a large SuDS basin on the northwest corner of the site to control the rate of discharge into the Glasslaw burn. In addition, each plot would be drained via a mix of porous paving and swales.
- 2.9 In terms of access and car parking access to the site would be taken from the A92 via a new roundabout from which access to the approved phase 1 of Mearns Business Park is also proposed. The road network within the site would include a centrally located loop road (around the perimeter of the centrally located plot) from which access to each plot would be gained. A shared foot/cycle path is proposed around the outer edge of the loop road and down the link road and then onto the National Cycle Route (NCR 1) on the opposite side of the A92 via the new roundabout. A new footpath/cycle path would be created to connect the site to Stonehaven through Braehead.
- 2.10 The following information has been submitted in support of the application:
- A drainage impact assessment provides details of pre-development drainage patterns and how these would be affected by the development. It suggests a number of measures to ensure that additional surface water drainage can be dealt with in a sustainable manner that provides an adequate level of treatment using sustainable urban drainage system. The wastewater from the buildings would be collected in foul sewers discharging into the Scottish Water sewer adjacent to the housing development at Braehead to the north of the site.
 - A design and access statement provides an overview of the proposed development in relation to layout, building design, landscaping, access and drainage.
 - A street engineering review report sets out how the proposed development has been designed to comply with Designing Streets.

3. Representations

- 3.1 A total of 1 valid representation (objection) has been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:
- More provision should be made in the proposals for non-motorised access from and into Stonehaven
 - Electric Vehicle charging point should be provided

4. Consultations

Internal

- 4.1 **Business Services (Developer Obligations)** has commented the proposed development does not trigger any affordable housing or developer obligations contributions.
- 4.2 **Infrastructure Services (Flood Risk and Flood Protection)** does not object to the proposed development. It has commented that the drainage proposals submitted by Ramsay and Chalmers and included in their Drainage Impact Assessment Revision B – 14/10/19 appear to meet their requirements in terms of assessing a suitable surface water drainage solution and flood risk. It notes that additional earthwork bunding is to be provided around the basin; to further attenuate flood water before discharging at controlled rate into the existing culvert crossing under A957.
- 4.3 **Environment and Infrastructure Services (Roads Development)** has commented that the applicant has submitted and resolved all matters specified in conditions 1f (street engineering and quality audit or road network), 1g (roads/pedestrian/cycle layout) and 1h (car parking/vehicle turning area).

External

- 4.4 **Scottish Environment Protection Agency** is satisfied that original concerns have been addressed and that the first swale that was previously proposed has been replaced with a filter drain. Roof drainage will have adequate treatment with the swale followed by the basin. Yard and road drainage will have adequate treatment with a filter drain followed by a swale then the basin. At such it does not object to the proposal.
- 4.5 **Scottish Water** has commented that a public water connection is available and there is wastewater infrastructure capable of accommodating the proposed development.
- 4.6 **Transport Scotland** does not object to the proposed development

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 B1 Employment and business land
Policy P1 Layout, siting and design
Policy E2 Landscape
Policy C1 Using resources in buildings
Policy RD1 Providing suitable services
Policy RD2 Developers' obligations

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.

5.5 Other Material Considerations

None

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 The key issues relating to determination of this application are:

- Development principle and
- Whether the submitted details satisfy the matters specified in the conditions attached to the planning permission in principle.

Development principle

- 6.3 The development would be located within the boundaries of a site allocated for employment and business uses in the Aberdeenshire Local Development Plan 2017. The principle of the development was established through the granting of planning permission in principle (APP/2014/3671). As such it is considered that the proposal the proposal complies with Policy B1: Business and employment land.

Layout, siting and design (condition 1a and 1b)

- 6.4 The proposal described in section 1 includes five buildings that are appropriate to the site and are of a similar scale as agricultural and industrial buildings dotted around Aberdeenshire. Although the proposal would be clearly visible from the surrounding area, the extensive strategic landscaping area as well as internal planting would help mitigate these impacts and is critical to the long-term integration of the development in the surrounding area. The majority of the site would remain free of development with the buildings taking up less than 5% of the site area.

Landscaping and tree protection (condition 1c)

- 6.5 Detailed landscaping proposals have been provided. Once established, they will help soften the visual impact of the development and integrate it in the surrounding area whilst improving the biodiversity and ecological value of the area and connections to the adjacent woodland. This would meet the requirement of Policy P1: Layout, siting and design, which notably seeks to ensure that new development incorporates measures to enhance biodiversity.

Drainage details (condition 1e and condition 4)

- 6.6 In terms of drainage, SEPA and Environment and Infrastructure Services (Flood Risk and Coast Protection) are satisfied that the proposals submitted as part of the proposal will ensure that the development can be drained without adverse impacts on the environment including flooding and pollution. Currently, surface water flows down from the field uninterrupted to join the Burn of Glaslaw. The site would be bunded along its boundaries to direct overland flows to the northwest corner of the site where it would collect before flowing into the SUDS basin before being discharged into the Burn of Glaslaw at an attenuated rate. This will provide a betterment to the rate at which surface water reaches the burn from within the site boundary under exceedance conditions such as heavy rainfall. As such it is considered that

the drainage requirements of Policy RD1: Providing suitable services have been met.

Roads and servicing (condition 1f, 1g and 1h)

- 6.7 All roads matters have been addressed to the satisfaction of Environment and Infrastructure Services (Roads Development). The proposals include a lit cycle and footpath between the site and the Braehead housing scheme and beyond. Access to the national cycle route (NCR 1) would be gained from the new roundabout that is proposed on the A92. There is no policy requirement to supply electric cars charging points on the site. As such, it is considered that the access and servicing requirements have been met in accordance with Policy RD1: Providing suitable services and Policy P1: Layout, siting and design.

Conclusion

- 6.8 The policies contained in the Local Development Plan 2017 remain compliant with the principles of sustainable development as guided by the SPP and therefore provide an appropriate basis for the determination of this application.
- 6.9 The proposal would facilitate the delivery of previously consented business and employment land thus contributing towards sustainable development. This carries significant material weight lending itself to an approval.
- 6.10 The principle of business/employment uses was established through the allocation of the application site for employment uses in the Aberdeenshire Local Development Plan 2017 and the subsequent grant of planning permission in principle. The proposal is an extension to the approved Phase 1 development on the adjacent site and will use the same access off the A92 via a new roundabout. All matters specified in conditions of planning permission in principle reference APP/2014/3671 have been addressed.
- 6.11 In assessing the proposed development against the wider policies of SPP and the LDP 2017 and any other material considerations, there were no adverse impacts which, would significantly and demonstrably outweigh the benefits of the proposal.

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

None

- 9.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.
- 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 Approval of Matters Specified in Conditions subject to the following condition:-

01. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme but with the following amendments:

- a) The omission of buddleia from the shrub mix (to avoid it spreading into the adjacent woodland)
- b) The addition of a wet meadow mix around the SUDS pond
- c) The planting of the wild flower meadow on subsoil to reduce the competition from more vigorous species

Any planting which, within a period of 5 years from the completion of the development, 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 required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

10.2 Reason for Decision

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.

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

The principle of business/employment uses was established through the allocation of the application site for employment uses in the Aberdeenshire Local Development Plan 2017 and the subsequent grant of planning permission in principle. The proposal is an extension to the approved Phase 1 development on the adjacent site and will use the same access off the A92 via a new roundabout. All matters specified in conditions of planning permission in principle reference APP/2014/3671 have been addressed.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Aude Chaiban
Report Date: 11 August 2022

Comments for Planning Application APP/2019/1949

Application Summary

Application Number: APP/2019/1949

Address: Site Adjacent To A92/A957 Junction East Newtonleys Stonehaven

Proposal: Condition 1 a) (Layout and Siting) b) (External Appearance and Finishing Materials), c) (Landscaping and Tree Protection), d) (Levels and Cross Sections), e) (Disposal of Foul and Surface Water), f) (Street Engineering and Quality Audit for Road Network), g) (Road/Pedestrian/Cycle Layout), h) (Car Parking/Vehicle Turning Area), 4 (Protection and Enhancement of the Water Environment) of Planning Permission in Principle APP/2014/3671 for Formation of Business Land (Classes 4, 5 and 6) and Associated Access, Drainage and Landscaping

Case Officer: Aude Chaiban

Customer Details

Name: Dr Jeremy Sternberg

Address: 55 Cameron Street Stonehaven

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The plans anticipate pedestrian access from the adjacent A957 without considering that there is no footway available from the nearest residential area, Braehead. Cycle access is anticipated via NC1 despite the concerns already raised at the outline planning stage of the impractical nature of this route, including part of the route shared on the A92 carriageway, the short length of cycle path being on the wrong side of the road and the dog leg route required. We are looking at radical changes in personal travel modes in the next 15 years as a result of measures to reduce carbon dioxide emission. Therefore for this development (which may very well be a positive one for the local economy) the planning authority must require a higher standard of realistic foot and cycle access routes from Stonehaven. If the developer can budget a roundabout into the plan, I would like to see a footway the full length of the Carbisdale road out of Stonehaven and a separated cycle route that could cross land already controlled by the promoters from the Braehead estate. It would also be a reasonable expectation that the developers are required to install a number of EV charging points.