



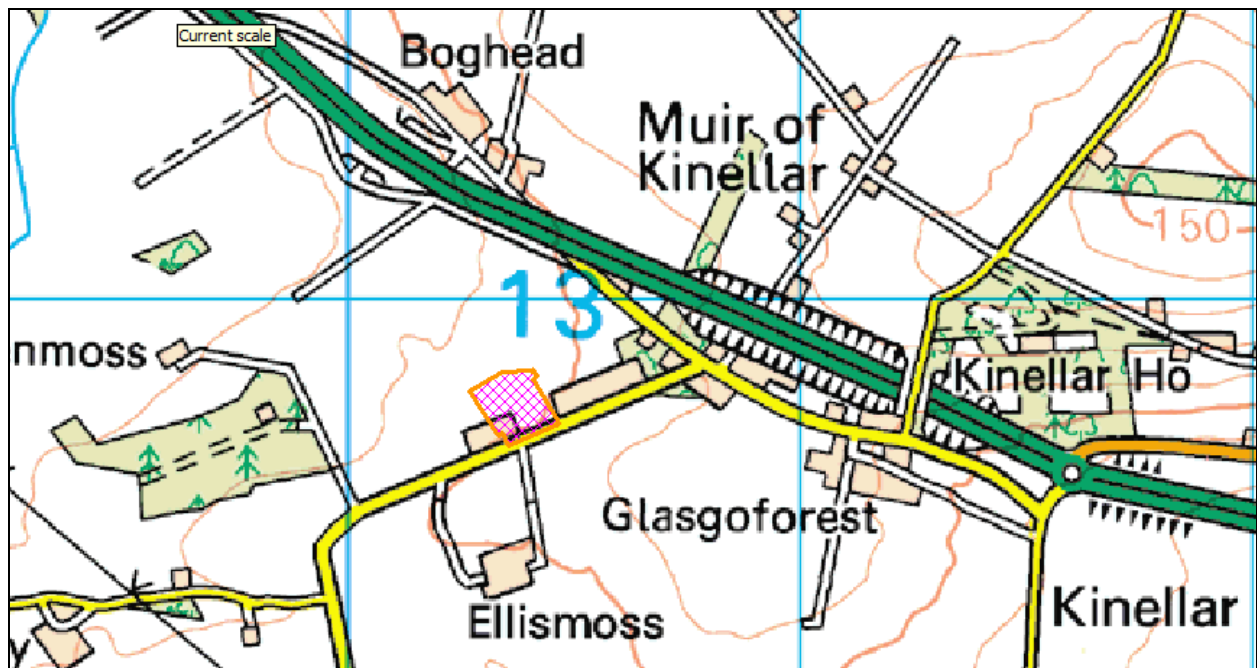
## Garioch Area Committee Report – 3 February 2015

Reference No: APP/2014/3601

**Full Planning Permission for Change of Use of Ground to Storage / Industrial,  
Kinellar, Blackburn**

**Applicant: Ram Tubulars Scotland Ltd**  
**Agent: Ken Mathieson Architectural Design Ltd**

Grid Ref:	E380367 N812759
Ward No. and Name:	W- East Garioch
Application Type:	Full Planning Permission
Representations:	0
Consultations:	3
Relevant Proposals Map	Local Development Plan, Countryside
Designations:	AHMA, Countryside, Central Wooded Estates
Complies with Development Plans:	No
Main Recommendation:	View to Infrastructure Services Committee



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## 1. Reason for Report

- 1.1 The proposal would represent a Development Plan Departure which is being recommended for approval. For these reasons, the application requires to be considered by the Area Committee, prior to referral to Infrastructure Services Committee, if Members are minded to support.

## 2. Background and Proposal

- 2.1 Full Planning Permission is sought for the expansion of a storage yard for an existing specialist recycling service at RAM Tubulars, Kinellar. The site extends to approximately 1.95ha and is located on flat agricultural land at a slightly lower level than Birchwood Industrial estate and the existing RAM Tubulars operation. The site is located to the northern side of the Kinellar to Garlogie road and approximately 400m south west of the A96. To the north, south and north west of the application site is open agricultural land. To the west of the application site is Woodside Croft with adjoining steading and to the immediate west of the application site is a large corrugated metal industrial shed and associated yard, used for business purposes, which is all in the applicant's ownership. The application site is currently enclosed to the south, west and north by post and wire fencing and to the east by 2m high galvanised metal fencing.
- 2.2 It is proposed to change the use of the agricultural land to enable the existing business to expand. The proposed expansion seeks to extend the existing industrial area to the east to join up with the existing smaller industrial area to the west. The site would be enclosed by bunding to the north, south and west boundaries and native trees would also be planted along these boundaries. The site would be levelled and surfaced in permeable gravel / hardcore. The site would be an expansion of the existing operation which is concerned with specialist recycling for the oil and gas sector. The land will be used for industrial purposes and storage which will likely take the form of siting fluctuating numbers of industrial shipping containers. The existing access will be utilised and no foul drainage or water connections are required.

### History

- 2.3 There is recent planning history relevant to the consideration of this application. The application site was subject of a Development Bid, site Ga063 which was considered in the Aberdeenshire Local Development Plan Main Issues Report 2013. The Main Issues Report acknowledged that the site is located adjacent to an existing employment area and close to the trunk road, but did not identify it as a preferred site because it was not related to a settlement and had poor public transport links. This view was supported by the Garioch Area Committee at its meeting on 27 May 2014, when it was agreed to not allocate this site for employment development within the next LDP.
- 2.4 There have been a number of planning applications in recent times relating to the existing RAM Tubulars business operation to the east of the application site:
- APP/2009/2414, Full Planning Permission, Change of Use from Domestic Dwelling to Office Accommodation, Extension and Alterations, Approved August 2009

- APP/2012/3909, Full Planning Permission, Proposed Change of Use of Ground for Construction of New Access Road, Approved January 2013
- APP/2013/2705, Full Planning Permission, Erection of New Yard Storage Warehouse, Approved November 2013

### Supporting Information

- 2.5 A Support and Design Statement has been prepared. The statement provides background business information, justification for the expansion of the site and interpretation of National and Local policy.
- 2.6 A further support statement has been prepared by Shepherd Chartered Surveyors which gives further information about market demand in the Aberdeen / Dyce area for business land and the specific requirements of RAM Tubulars and provides additional justifications for expansion on the existing site, including market research.
- 2.7 A drainage impact assessment has been undertaken by Cameron and Ross. The report confirms that the site will be surfaced in self-draining gravel and hardcore. The report asserts that the application site is out with the SEPA indicative flood risk map and the proposal will not increase flood risk in the area. The proposal makes provision for SUDS and the report confirms that the new provision will make conditions on site either the same or slightly better and will not increase the flood risk on site or to the surrounding area.
- 2.8 Landscaping Plan and Visual Appraisal and Tree Survey has been prepared by Astell Associates. The report gives details of the current vegetation and trees on site and details the retention of the majority of trees on the northern boundary. The report also details proposed protection for existing trees. The landscaping plan shows the locations of the existing trees and shows bunding and tree planting on the northern, western and southern boundaries.

### **3. Representations**

- 3.1 No representations have been received.

### **4. Consultations**

- 4.1 **Infrastructure Services (Business Development)** makes a number of comments about the proposal and supports the proposal in principle. It asserts that the proposal fits well with Aberdeenshire Council's Strategy 2011-2016 for sustainable economic growth in a target industry. It has also commented that it is a high growth business that has in the recent past been supported by Aberdeenshire Council through recent planning consents.
- 4.2 **Infrastructure Services (Policy)** advises that the proposal is outwith an identified settlement within the countryside and therefore would be subject to SG Rural Development 1, Housing and Business Development. The response asserts that the proposal would be a significant expansion (almost double the existing operation) and would be in excess of the 0.5 ha of employment land, so would not constitute small scale development and would be contrary to policy. The response also comments that the current Employment Land Audit shows a number of sites of around 3 ha within the Inverurie-Blackburn Strategic growth area and further north in the Huntly- Pitcaple SGA. The response also acknowledges that the site was previously submitted as a

'development bid' that although in close proximity to the trunk road was not identified as a preferred site due to the fact it was not well related to an existing settlement and has poor public transport links.

- 4.3 **Infrastructure Services (Roads Development)** does not object to the proposal and comments that the proposal does not involve a new access onto the public road and that the existing access has adequate visibility.

## 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.

SPP identifies that the planning system should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits. The planning system should also promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets as well as give due weight to net economic benefit of proposed development.

### 5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of the Strategic Development Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

The application site is located in close proximity to the A96 within the Aberdeen to Huntly Strategic Growth Area which is a key corridor linking Aberdeen to Inverness. The plan promotes a spatial strategy of development and has a target over the period to 2035 at least 75% of employment land developed should be in strategic growth areas. An issue that has been identified in the plan is that the economy is dominated by the oil and gas industries. It is acknowledged that the oil and gas sector will still be very important in the future but will have a changing focus over the next decades into supplying the export market and decommissioning.

### 5.3 Aberdeenshire Local Development Plan 2012

Policy 3 Development in the countryside

SG Rural Development1: Housing and business development in the countryside.

Policy 8 Layout, siting and design of new development

SG LSD2: Layout, siting and design of new development

Policy 14 Safeguarding of resources and Areas of Search

SG Safeguarding 2: Protection and Conservation of Agricultural Land

### 5.4 Other Material Considerations

Planning Advice 13/2012: Housing and Business Development in the Countryside and Greenbelt and Planning Advice 6/2012: Implementation of policy SG LSD2 Layout, siting and design of new development.

## 6. Discussion

- 6.1 Full planning permission is sought for the change of use of agricultural land and the extension of an existing storage yard on land to the east of Woodside Croft Kinellar. There is recent planning history to the site and the immediate area. The key planning issues are whether the principle of development can be supported and consideration of Policy 3: Development in the Countryside, Policy 8: Layout siting and design of new development as well as Policy 14 Safeguarding of Resources and Areas of Search.

### Principle of Development

- 6.2 In terms of the principle of this development, Policy 3 Development in the Countryside and SG Rural Development 1: Housing and Business Development in the Countryside allows for small scale development in the countryside out with the Aberdeen City greenbelt. The site is outside the greenbelt and is unallocated countryside within the Aberdeen Housing Market Area. The development would utilise 1.95ha of land and would be an expansion of the existing Specialist Recycling Facility. The response from Planning Policy has asserted that the development is considered contrary to SG RD1: Housing and business development in the countryside as it is not 'small scale' development. Point 1 allows for development that would be permissible under greenbelt supplementary guidance. To clarify, although this policy context is applicable the land is not in the Aberdeen City Green Belt. SG STRL type 2: Greenbelt point 1 allows for extension of an existing building or use that is ancillary to the main use. Although the site is almost double the size of the existing operation it may be considered ancillary as the proposed

use of the site is an extension to the storage yard and the main operation and industrial processes will be on the existing site and no new structures are proposed.

- 6.3 Within SG Rural Development 1: Housing and business Development in the countryside, it states that 'in exceptional circumstances larger developments will be considered' suggesting that a business proposal within the countryside in excess of 0.5ha may be acceptable. The policy response has suggested that there are no exceptional circumstances and there is availability of allocated business land in the area. While this point is not disputed and the applicant has acknowledged that they are aware of potential allocated sites they have suggested that they have been unsuccessful in obtaining them and that the existing business has some specific needs and the proposed use of these may not be compatible with surrounding employment uses which are mostly class 4 Business as opposed to Class 5, General Industrial and Class 6, Storage and Distribution. It is considered for practical purposes that it is appropriate to locate an extension to the existing business in close proximity to the existing operation as this would be compatible with the current RAM Tubulars operations to the east and west of the application site as well as the wider Birchwood Industrial estate.
- 6.4 The proposed use class is class 6 (storage and distribution) this class has permitted development rights to convert to class 4 office and class 5 General Industry. It is considered that, given the previous comments relating to the bid regarding the absence of public transport connection, the application site is not deemed a suitable location for future office development and would be contrary to SG Bus2 office development which requires office premises to be close to the public transport network. It is therefore considered appropriate to attach a condition to remove the permitted development rights to change the use class to class 4.
- 6.5 Economic development has given positive comments towards the proposal to expand the existing operation in its current location. It asserts that the proposal fits well with Aberdeenshire Council's Strategy 2011-2016 for sustainable economic growth in a target industry. It has also commented that it is a high growth business that has in the recent past been supported by Aberdeenshire Council through recent planning consents for expansion. It is therefore considered that given that the proposal is an expansion of an existing business that is located within an existing industrial area and would make a contribution to sustainable economic growth there are extenuating circumstances and the proposal should be supported.
- 6.6 Present policy would allow the Planning Service to consider a small scale expansion of the current operation by up to 0.5ha if the use is deemed to be ancillary to the main use. The extra space that is sought could be applied for under successive planning applications for extensions that may be supported. In coming forward with the whole site, the applicant has proposed a landscaping scheme which will ensure that the whole site is brought forward in a consistent manner with planting carried out from the outset to establish screening for the whole site. In this case it is considered that a single co-ordinated expansion is preferable rather than allowing development to come forward in an inconsistent and piecemeal fashion.
- 6.7 The Planning Service is not promoting this as 'exceptional circumstances' but considers that the proposal has a number of merits. Primarily, the site is an

extension to an established operation in an area characterised by commercial and industrial development. In addition, the site has good transport connections to the public road network and through an agreed landscaping scheme, will have minimal visual impact.

### Siting and Design

- 6.8 All new development must comply with Policy 8: Layout siting and design of new development. Applicable to this application is SG LSD2 Layout siting and design of new development.
- 6.9 The proposal is outside the defined Blackburn settlement boundary and outwith any business or employment land allocation. However, the use of the land for an extension of the existing facility and to accommodate further storage is well located and accessible from the existing main operations to the east and further operations to the west.
- 6.10 The use of the land to the north and south of the applications site is agricultural land. However, to the east of the application site is Birchwood Industrial Estate which accommodates two further industrial sites and the existing RAM Tubulars operation. To the west of the application site there is also a further part of the RAM Tubular operation. The proposed use of the land would not be incongruous with the exiting uses in the surrounding area and would also 'infill' an area of land between two industrialised areas.
- 6.11 The site at present is partially visible from the A96 to the north east. However, it is considered given the surrounding industrial uses the proposed extension would not be overly prominent. It is also considered that the proposed landscaping to the southern boundary would help mitigate the appearance of the development and help it blend with the existing built and natural environment.
- 6.12 To the west of the application site is Woodside Croft and to the east of the application site is Birchwood. Both properties are owned by the applicant and Birchwood is no longer a domestic property and forms part of the existing RAM Tubulars operation granted under reference APP/2009/2414. Woodside Croft is already has industrial development to the immediate east, so it is considered that there will be no additional noise disturbance. The proposal will not cause any overshadowing issues or loss of privacy to neighbouring properties.

### Agricultural Status of Land

- 6.13 The land is currently agricultural land which is controlled by Policy 14 Safeguarding of resources and Areas of Search and SG Safeguarding 2: Protection and Conservation of Agricultural Land. The proposal is not on prime agricultural land classified as 3.1 and will not impinge access to prime agricultural land.

### Flooding and Drainage

- 6.14 No provision for foul or mains drainage is required though provision for SUDS has been made. The application site will be surfaced in permeable gravel/hard core. The provision of SUDS is considered appropriate and will ensure

that the resurfacing of the site for open storage purposes will not cause any issues of flooding on site or in the wider area.

### Access

- 6.15 The proposal will utilise the existing access to the east of the application site and roads development has commented that there will be no issues with the use of access and adds that the access currently has adequate visibility.

### Conclusion

- 6.16 The proposed development is considered an acceptable departure from Policy 3 Housing and Business Development in the Countryside and associated SG Rural Development1: Housing and business development in the countryside. The proposal is an extension of an established business within an existing industrial area with specific locational requirements and also constitutes a sector which is a target industry. The proposal includes a comprehensive landscaping scheme which ensures that the whole site will have sufficient landscaping and screening to minimise any visual impact. The proposal complies with all other relevant policies of the Aberdeenshire Local Development Plan 2012.

## **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. Equalities and Financial Implications**

- 8.1 An equality impact assessment is not required because the granting or refusing of the proposed development would not have a differential impact on people with protected characteristics.
- 8.2 There are no financial implications arising from this report.

## **9. Sustainability Implications**

- 9.1 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.

## **10. Departures, Notifications and Referrals**

### **10.1 Strategic Development Plan Departures**

None

### **10.2 Local Development Plan Departures**

Policy 3: Development in the countryside  
SG Rural Development1: Housing and business development in the countryside



- 10.3 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.
- 10.4 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.
- 10.5 The application would have to be referred to the Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## 11. Recommendation

### 11.1 **That Members provide a view to Infrastructure Services Committee for its consideration when determining the application and note that the recommendation of the Planning Service is to GRANT Full Planning Permission subject to the following conditions:-**

1. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. 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.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation 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 and to ensure that the landscaping is managed and maintained in perpetuity.

2. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 [as amended] or the Town and Country Planning (Use Classes) (Scotland) Order 1997 [as amended] the premises/building/land shall be used only for/as for the purpose hereby approved and shall not be used for any other purpose [within Use Class 4 without an 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 on the amenities of the area.

**11.2 That the Committee agrees the reason for departing from the Aberdeenshire Local Development Plan 2012 is:**

That the proposed development is considered an acceptable departure from Policy 3 Housing and Business Development in the Countryside and associated SG Rural Development1: Housing and business development in the countryside. The proposal represents an extension of an established business in an existing industrial area with specific locational requirements and also constitutes a sector which is a target industry. The proposal would not result in any significant detriment to the character or amenity of the area and includes a landscaping scheme to mitigate the visual impact. The proposal complies with all other relevant policies of the Aberdeenshire Local Development Plan 2012.

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author of Report: Hilary Wilkinson HW/**