

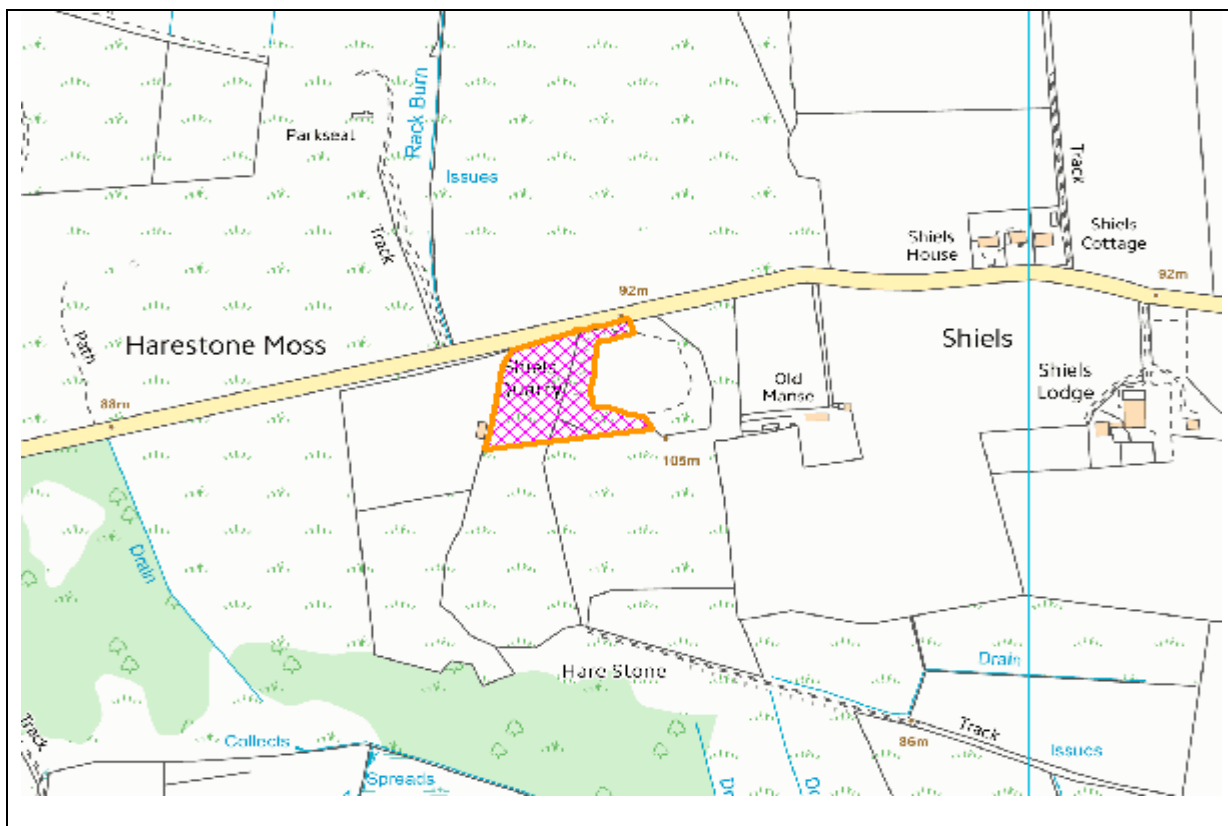
Formartine Area Committee Report - 4 September 2018

Reference No: APP/2018/0436

Full Planning Permission for Upgrade of Access, Formation of Bund, and Change of Use from Agricultural Land Use Storage & Distribution Yard (Use Class 6) (Part Retrospective) at Shiels Quarry, Whitecairns, Aberdeenshire, AB23 8UL

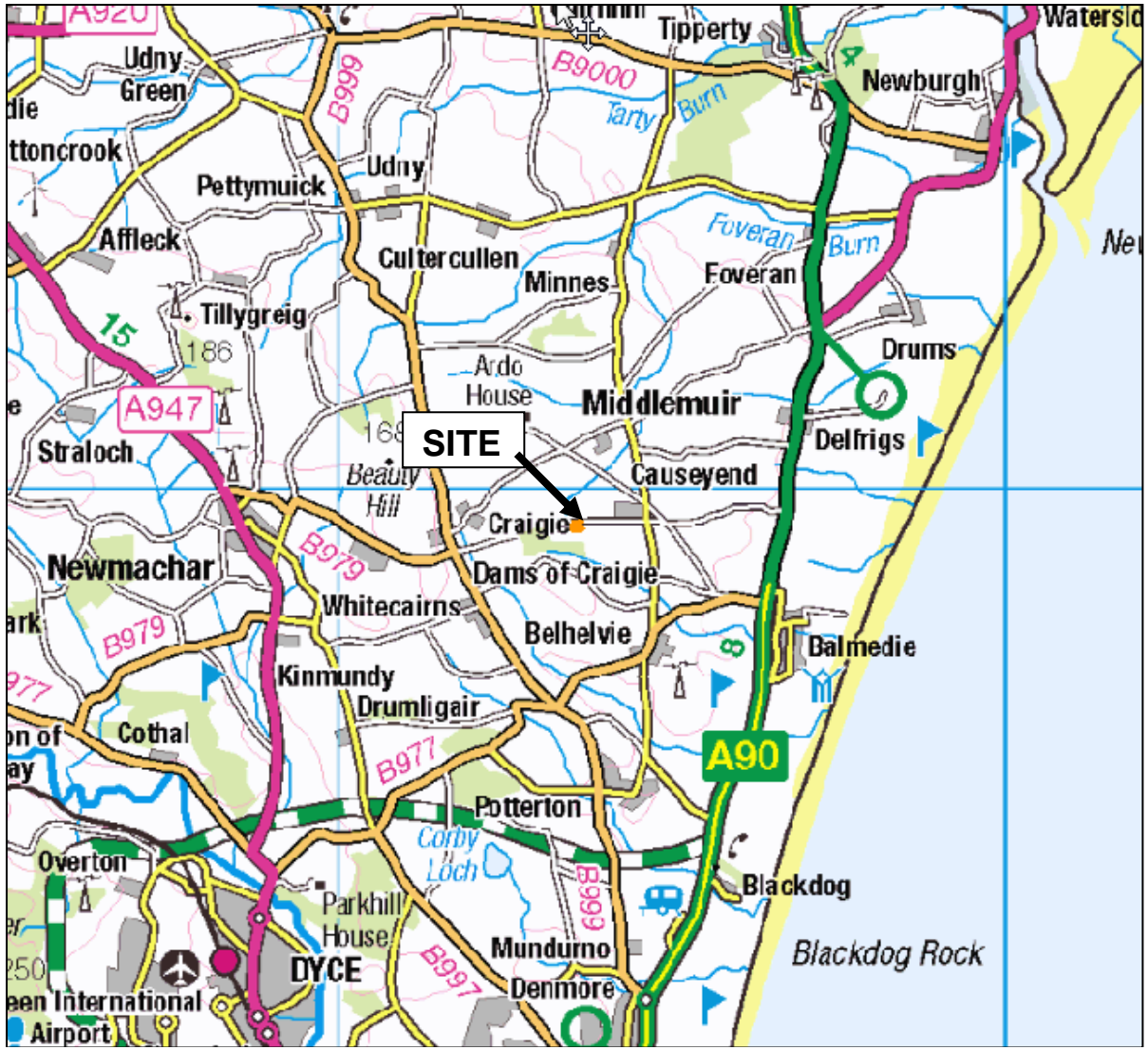
Applicant: Mr Michael Christie
Agent: Matthew W Merchant

Grid Ref:	E:393574 N:819444
Ward No. and Name:	Mid-Formartine
Application Type:	Full Planning Permission
Representations:	0
Consultations:	7
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	AHMA
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.9.1 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 for the upgrade of an access, formation of a bund and the extension of Use Class 6 (Storage & Distribution) Yard at Shiels Quarry, Whitecairns. Appendix 1 contains the Location Plan.
- 2.2 The extension measures approximately 1ha and will be used for long term storage (short term storage is provided in Aberdeen for ease of access to Aberdeen Harbour). The site will be screened by a 6m high bund (15m wide at the bottom, 3m wide at the top). The existing vehicle access would be upgraded to form an industrial access at least 7.5m wide. The existing bunding will be altered to join the new bunding to form a continuous barrier along the road side either side of the access. Appendix 2 contains the Site Plan.
- 2.3 The applicant has advised that the existing site is an industrial brownfield site dating from the 1950's and was previously used as a lay down area serving firstly a landfill site then a scrap recycling facility.
- 2.4 Relevant planning history includes;
 - APP/2011/2539 – Full Planning Permission for the Demolition and Replacement of Shed for Storage, Erection of 2m Chain Link Fence and Change of Use to Class 6 (Storage and Distribution). Approved on 23 November 2012.

This application was approved on the basis that it involved the re-use of an existing site and that the nature of the proposed new building on the site would be quite unobtrusive.

- ENQ/2017/1950 – Pre Application Enquiry for the Change of Use of Agricultural Land to form Extension of Existing Storage and Distribution Facility.

It was advised that the Planning Service would generally support the development of business and sustainable economic growth in all areas. It was also advised that Infrastructure Services (Roads Development) would

likely object if an application was submitted due to the quality of the existing access road.

2.5 Information submitted in support of the application includes;

- Design Statement – submitted on 26 February, 2018
- Supporting Letter addressing Environmental Health comments – submitted on 03 April, 2018.
- Supporting Information - dated 20 April, 2018.
- Letter with Additional Information – submitted on 26th Jul, 2018.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Infrastructure Services (Contaminated Land)** has requested that an informative relating to the sites history of potentially contaminative use be added to any decision document which is issued. It does object to the application.

4.2 **Infrastructure Services (Environmental Health)** requested that a dust and noise impact assessment be carried out. The applicant has since provided further information addressing this and Environmental Health has confirmed that they do not object to the application.

4.3 **Infrastructure Services (Roads Development)** initially had concerns over the suitability of the access road to be able to accommodate the type of vehicles which would be used for the development.

Upon receipt of further information from the applicant (an existing passing place is to be upgraded) Roads Development no longer objects to the application.

4.4 **Infrastructure Services (Waste Management)** – no comment.

4.5 **Belhelvie Community Council** has stated that they are supportive of the applications approval but that they would want to ensure that the bund continues along the entire frontage of the site apart from the single site access location in the interests of visual amenity.

As the plans which have been submitted illustrate that this is the case no further amendments are required. See Appendix 3 for full response.

4.6 **Scottish Natural Heritage (SNH)** has confirmed that they do not object to the application as the proposal will have no impact on the nearby peatlands.

4.7 **Scottish Environment Protection Agency (SEPA)** – no 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 2014

The purpose of this 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.

5.3 Aberdeenshire Local Development Plan 2017

Policy P1 Layout, siting and design
Policy R2 Housing and employment development elsewhere in the countryside
Policy RD1 Providing suitable services
Policy E2 Landscape
Policy PR1 Protecting important resources

6. Discussion

- 6.1 The main issues to consider in assessing this application are whether the principle of expanding the storage and distribution facility is appropriate given its location and surroundings. The impact on the amenity for the surrounding area and the landscape must also be considered.

Principle of development

- 6.2 Policy R2 allows a number of opportunities for development proposals in the countryside area outwith the Aberdeen greenbelt and coastal zone for small-scale development. In the case of redundant brownfield land opportunities, small scale employment uses is defined as proposals involving less than 5 employees and sites of less than 0.5ha. In this case the supporting information advises that the site will be used for long term storage and no additional staffing would be required. However the site will measure approximately 1ha, twice the size of the maximum amount allowed.
- 6.3 The applicant has provided supporting information (document entitled 'SUPPORTING INFORMATION', submitted 23rd April 2018) which details the history of the site. In relation to its previous use it was concluded that the proposed site has been a laydown area since before 1989 and that it is likely far older than this because of the existence of the adjacent quarry business which had been running since before 1959. Additionally, it was noted that the land was previously used as a parking yard for trucks and a plant serving Council operated Waste, Tipping and Landfill facility. Infrastructure Services (Contaminated Land) have confirmed that the area within the planning application and west of the current bund around the quarry/scrapyard was used as an unofficial/private tip for road materials from 1977 to 1981. Infrastructure Services (Waste Management) have also stated that the Council did operate the Harestone Moss Landfill, adjacent to Shiels Quarry. It can be concluded that the proposed site is brownfield land as it has been used for a variety of uses for some time. The application can therefore be seen as proposing an appropriate re-use of existing brownfield land.
- 6.4 Although the proposal would be considered a departure from the Local Development Plan because it is not 'small scale' due to the size of the site, it is supported by the Planning Service due to the fact that it makes use of what is accepted to be brownfield land. It is considered that, while the proposal does not strictly comply with Policy R2, the development can be supported in principal as a departure to the policy.
- 6.5 It should be noted that the existing storage and distribution facility (which was approved under APP/2011/2539) was approved on the basis that it was also making use of brownfield land.

Policy P1

- 6.6 Policy P1 stipulates that development will be supported if it encourages privacy, provides security and protects amenity. The proposal includes the

formation of a bund which will extend along the frontage of the site. This would be seen as an effective screening measure in terms of reducing the proposal's visual impact on the surrounding area and allays the concerns of the Community Council. The proposal would therefore be considered acceptable in terms of Policy P1 because the activities associated with the site wouldn't be visible from the surrounding area.

Policy E2

6.7 Policy E2 stipulates that development will be refused if it causes unacceptable effects through its scale, location or design on key natural landscape elements, historic features or the composition or quality of the landscape character. In the instance of this application the proposed bunding would act as an effective screening method. This will minimise the visual impact that the business operation will have on the wider area and ensure that it is kept discreet within the rural area. It would therefore be considered to comply with Policy E2.

6.8 *Policy RD1*

Policy RD1 states that we will only allow development that provides adequate road connections. This application seeks to upgrade the existing access and passing place. Infrastructure Services (Roads Development) have stated that they do not object to the application in relation to the suitability of the road upgrade as long as a number of conditions are attached to the decision notice. With the attachment of such conditions the proposal can be accepted as complying with Policy RD1.

6.9 *Policy PR1*

Policy PR1 states that we will not approve developments that have a negative effect on important environmental resources associated with peat and other carbon rich soils. It has been established that there are areas of deep peat to the west of the site which are of national importance. Scottish Natural Heritage were consulted on this issue and stated that as the soil has already been significantly damaged due to the past use, the proposed works will not impact on any valuable peat source. Therefore it can be concluded that while the peat land has been damaged, the proposal will not have any further implications for this. The proposal is therefore compliant with Policy PR1.

6.10 *Conclusion*

In conclusion, the proposal is considered to be an acceptable departure from the Local Development Plan as, while the proposal does not qualify as 'small scale' employment development, the fact that it make use of redundant brownfield land is an aim of the LDP. The formation of the bund will remove the negative visual impact that it would have on the surrounding area. Additionally, it has been established that the upgrade to the access and passing place is suitable and that the proposal will not have any additional implications for the adjacent peat land. Ultimately, the proposal is compliant

with Policy P1 Layout, siting and design, Policy RD1 Providing suitable services, Policy E2 Landscape and Policy PR1 Protecting important resources. It is not compliant with Policy R2 Housing and employment development elsewhere in the countryside, however, for the reasons given above, the application is considered to be an acceptable departure from the policy and 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 equality impact assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.
- 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.

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 R2 Housing and employment development elsewhere in the countryside

- 10.3 The application is a Departure from the valid Local Development Plan. This application has been advertised. 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 not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 GRANT subject to the following conditions:-

01. The development shall be served in accordance with the approved drawings and the following details:
- (a) The maximum gradient of the first 5m of the access must not exceed 1 in 20.
 - (b) Prior to occupancy of development, first 5m of the access (measured from edge of road or back of footway) to be fully paved.
 - (c) Prior to occupancy of development, off-street parking for 4 cars, surfaced in hard standing materials must be provided within the site.
 - (d) Prior to occupancy of development, a passing place measuring 15.0m x 2.5m with 5m splays to be formed at location shown on drawing number 1560-013 Rev B. Construction shall be to a standard appropriate to the location & must be agreed in advance with Roads Maintenance team.
 - (e) Prior to commencement of development, Visibility Splays, measuring 2.4m by 120m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

Reason: In the interests of road safety.

02. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- (a) Existing landscape features and vegetation to be retained;
- (b) Protection measures for the landscape features to be retained;
- (c) Existing and proposed finished levels;
- (d) The location of new trees, shrubs;
- (e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (f) The location, design and materials of all hard landscaping works including walls, fences and gates.

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

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

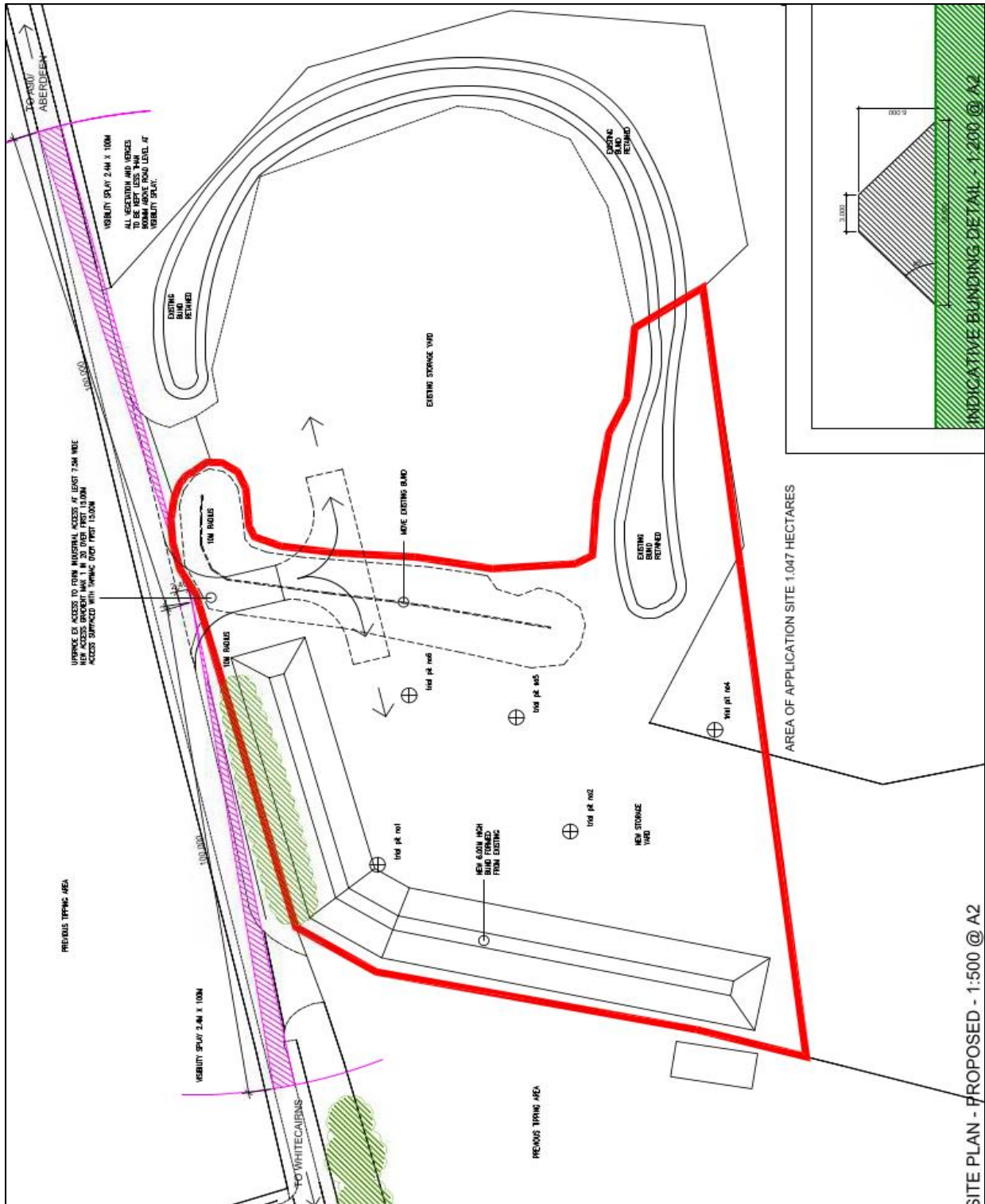
01. The proposal is considered to be a departure from the Local Development Plan because it does not qualify as 'small scale' employment development as the site measures over 1 hectare. However, due to the fact that the proposal would make use of redundant brownfield land, it is considered that the proposal is an acceptable departure to Policy R2 Housing and employment development elsewhere in the countryside.

Stephen Archer
Director of Infrastructure Services
Author of Report: Alex Calderwood
Report Date: 31 July 2018

APP/2018/0436

Appendix 1





APP/2018/0436

Appendix 3

Belhelvie Community Council

PLANNING APPLICATION CONSULTATION RESPONSE

PLANNING APPLICATION REFERENCE: APP/2018/0436

**Upgrade of access, formation of bund and extension to Class 6 (Storage and Distribution)
Shiels Quarry, Whitecairns**

Belhelvie Community Council discussed this application on the 19th March 2018 and are supportive of its approval.

However, some confusion is noted in respect of the proposed site access arrangements. The application description and a site layout drawing indicated that the existing access is to be upgraded while another site layout drawing and the supporting statement show a new access being formed to the west of the existing access. Belhelvie Community Council has no concerns regarding which access is ultimately selected but would wish to ensure that the bund continues along the entire frontage of the site apart from the single site access location in the interests of visual amenity.

Please acknowledge receipt of this consultation response.

Ian A Downie
Planning Reporter
Belhelvie Community Council
Terrapin House,
Balmedie,
Aberdeenshire
AB23 8YZ