

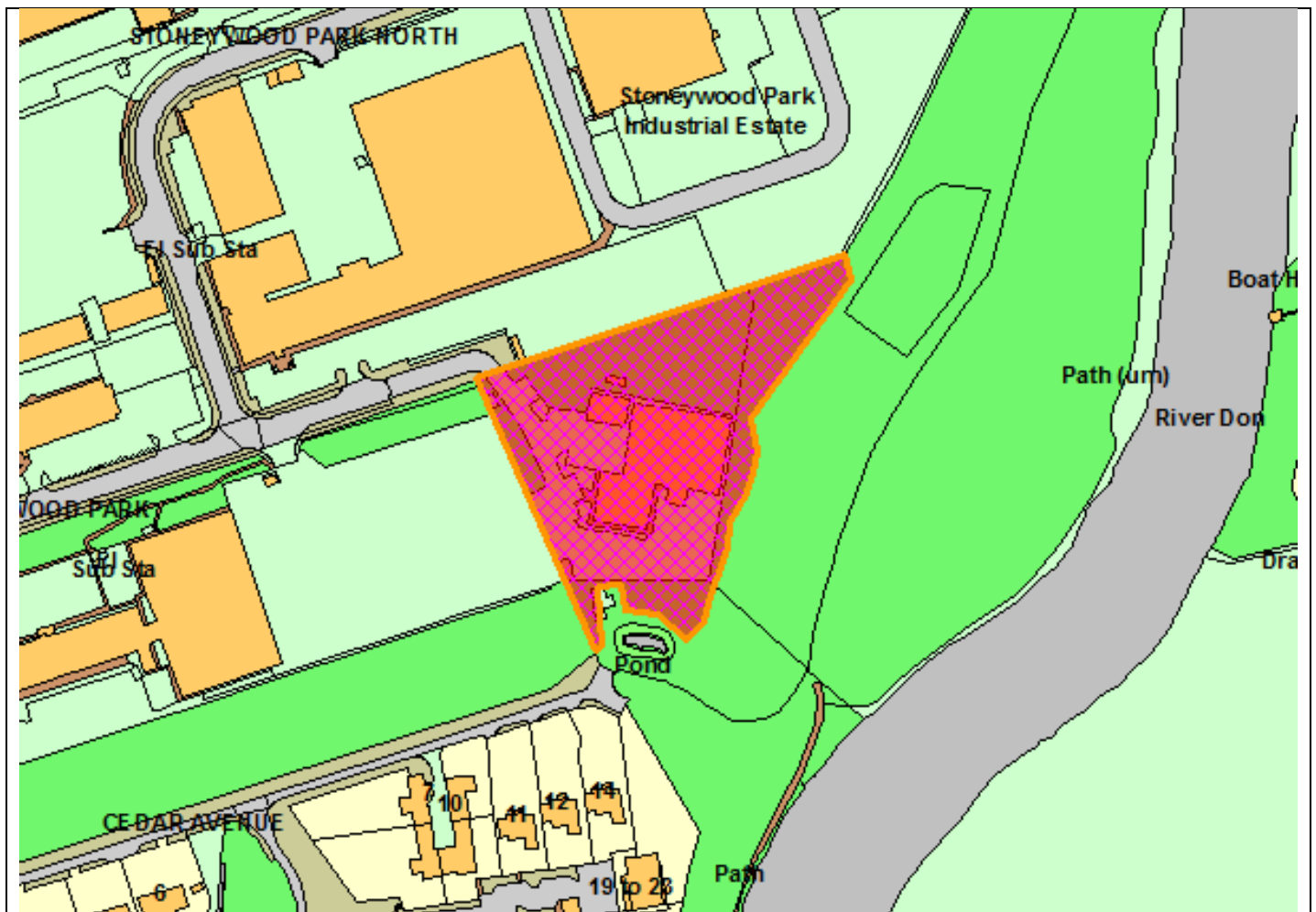


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 31 October 2019

Site Address:	Woollard And Henry, Stoneywood Park, Aberdeen, AB21 7DZ
Application Description:	Change of use from amenity land to industrial including installation of security fence around enlarged site; formation of yard space and car parking (partly retrospective)
Application Ref:	191010/DPP
Application Type	Detailed Planning Permission
Application Date:	25 June 2019
Applicant:	Woollard & Henry Ltd
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce And Stoneywood
Case Officer:	Robert Forbes



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RECOMMENDATION

Refuse and Enforce

APPLICATION BACKGROUND

Site Description

The site comprises existing industrial premises (approx. 5000 square metres) together with adjacent undeveloped woodland located to the north, east and south. It is accessed via Stoneywood Park within an industrial estate. The woodland forms part of a larger woodland area which was to be retained as public open space in association with the adjacent housing development but has been purchased by the applicant.

Immediately to the east of the site is a recently constructed public path which functions as a recreational route and runs along a wooded riverside embankment. The south of the site is bounded by a SUDS pond developed as part of the adjacent housing development. To the south of this lies a suburban housing development (allocated as OP17 – Stoneywood in the Aberdeen Local Development Plan). Mature woodland / tree belt extending west from the site, parallel to Cedar Avenue and towards Stoneywood Road is protected by a Tree Preservation Order (No.257).

Relevant Planning History

Application Number	Proposal	Decision Date
190152/DPP	Change of use from amenity land to industrial including installation of security fence; erection of workshop with offices and staff facilities with associated works and car parking (partly retrospective)	19.03.2019 Status: Withdrawn
171180/DPP	Extension of yard at Unit 1 Stoneywood Park	Refused January 2018
110790	Residential Development (425 houses) with supporting facilities / open space (Stoneywood Estate)	02.05.2102 Approved with conditions / legal agreement

APPLICATION DESCRIPTION

Description of Proposal

Change of use of the amenity open space / woodland to form open yard space / ancillary land associated with the existing industrial use. The additional area of land is about 4500 square metres of which approximately 250 square metres would be yardspace at the south edge of the site. The agent has advised that the additional yard space is urgently required by their clients due to the amount of business this company generates for Aberdeen and the North-East and the requirement to store materials for their business to keep pace with this demand.

The proposal has been amended by deletion of a proposed workshop/office building and yard space located at the north of the site. In mitigation of the proposed tree removal a hedge is proposed to be planted along the eastern site boundary, immediately adjacent to the existing public path. A total of 43 parking spaces would be provided on site (compared to 35 currently). 6 of these spaces would be located on an area of existing trees located at the west edge of the site.

A 2.3m high chainlink metal security fence has been constructed immediately west of the existing public path. The mesh section of the fence is 1.9m high and is surmounted with 3 horizontal barbed wire strands. Retrospective permission is sought for this element of the works.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PTNR52BZH6S00>.

Tree Survey; Bat Survey

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because in excess of 6 objections have been received and thus falls outwith the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No public / road safety concerns identified. Note that 8 additional car parking spaces are proposed.

ACC - Environmental Health – The proposal is nearby to residential property on Cedar Avenue which lie approximately 20 metres to the south of the site. Advise that insufficient information exists to provide a definitive response on the matter of noise impact and specifically, whether the undertakings at the proposed development have potential for an adverse noise impact on the amenity of the occupants of existing neighbouring residences. Request that a condition be imposed to address potential contamination.

Aberdeen International Airport – The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding unless any planning permission granted is subject to a condition regarding bird management.

Dyce And Stoneywood Community Council – Object due to conflict with policy NE5 regarding protection of trees / woodland. Consider that the mature woodland is a key landscape feature of the banks of the River Don. Note that the site is zoned as green space network and lies within OP17 opportunity site for residential development. Note that the security fence has been installed and request its removal.

REPRESENTATIONS

One letter of support has been received from a resident of Inverurie, pointing out that significant tree removal has already taken place on land to the south of the site, to enable the adjacent housing development and referring to economic benefits of the proposal (e.g. job creation).

53 objections have been received, primarily from residents of the adjacent housing areas. Their concerns relate to -

- Loss of mature woodland / trees (96 trees);
- Loss of urban green space / green space network;
- Conflict with policies NE1 / NE3 / NE5;
- Adverse impact on wildlife;
- Adverse impact on the setting / enjoyment of the recreational public footpath to the east;
- Increased noise / visual intrusion / light pollution / loss of tree screening and associated adverse impact on residential amenity;
- Availability of surplus brownfield industrial premises / yard space in the local area;

- Alleged unauthorised tree removal / works and erection of a security fence;
- Visual / safety impact of fence on users of the path due to effective reduction in its usable width;
- Increased physical pollution risk associated with the proposed use, including risk to the river Don;
- Positive mental health benefit of existing woodland;
- Adverse climate change impact associated with woodland removal;
- History of previous refusal nearby (at opposite end of Cedar Avenue);
- Adverse impact on house prices (not a planning matter);
- Inability to mitigate loss of mature woodland / trees;
- Creation of an undesirable precedent for similar proposals for expansion of industrial sites.

Many objectors also request that enforcement action be taken to secure removal of the unauthorised security fence which currently runs along the eastern edge of the path and now separates it from the woodland to the west.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

Scottish Planning Policy 2014 (SPP)

- Para 194 (A Natural, Resilient Place – Policy Principles)
- Para 216 - 218 (A Natural, Resilient Place – Woodland)

The Scottish Government's Policy on Control of Woodland Removal 2009 – This expresses a strong presumption in favour of protecting Scotland's woodland resources and provides policy direction for decisions on appropriate woodland removal in Scotland.

PAN60 (Natural Heritage) - 2000

PAN 65 (Planning and Open Space) 2008

Draft Guidance on Net Economic Benefit and Planning - 2016

Aberdeen City and Shire Strategic Development Plan 2014 (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

The SDP is now beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with SPP.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan 2017 (ALDP)

D2: Landscape
H1: Residential Areas
NE1: Green Space Network
NE3: Urban Green Space
NE5: Trees and Woodland
NE6: Flooding, Drainage & Water Quality
NE8: Natural Heritage
NE9: Access and Informal Recreation
T3: Sustainable and Active Travel
T5: Noise
OP17: Stoneywood

Supplementary Guidance (SG) and Technical Advice Notes

Stoneywood Development Framework and Masterplan 2011
Noise
Landscape
Natural Heritage
Trees and Woodlands
Green Space Network and Open Space

Other Material Considerations

Open Space Audit 2010
River Don Corridor Framework 2012

Scotland's Forestry Strategy 2019 – 2029 (SFS), published by the Scottish Government (Scottish Forestry) in 2019. This has an objective to increase the contribution of woodland to a healthy and high quality environment. It also recognises the important contribution that individual trees outside of forests and woodlands make to enhancing Scotland's rural and urban landscapes, their role in addressing air pollution, and their biodiversity and cultural value.

EVALUATION

Principle of Development

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP. Although the development has been amended to delete a proposed workshop work, it would result in the conversion of amenity woodland to industrial land. This raises significant policy conflicts, as identified below, as the undeveloped parts of the site do not lie within an area identified for industrial development and there is potential for conflict with residential amenity. The development is considered to be contrary to various local plan policies and related strategies and to supplementary guidance as set out below.

Residential Amenity

The yard is currently 77m away from the closest house to the south (14 Cedar Avenue), with its garden edge being 46m from the yard. The development would result in these distances being reduced by 12m.

Notwithstanding that no noise impact assessment has been submitted, as required to assess the impact of the proposal relative to local development plan policy T5 (Noise) and related guidance, the expansion of the industrial use at the site onto adjacent land, which is not allocated for industrial purposes would detract from the residential amenity of the area (by reason of loss of amenity space and intervening woodland, the increased proximity of industrial operations to housing and potential noise disturbance, visual intrusion and light pollution that would result) such that the proposed development is contrary to the objective of policy H1. It would result in the loss of valuable and valued areas of open space which form part of a consented housing development (reference 110790) and would have an unacceptable impact on the character and amenity of the surrounding area. The loss of valued open space and unacceptable impact on the amenity of the surrounding area result in conflict with specific criteria within policy H1.

Loss of Trees / Woodland

Policy NE5 Trees and Woodlands expresses a presumption against all activities and development that will result in a loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. A tree survey of the affected area has been submitted by the applicant and reviewed by the Council's Environmental Policy Team.

In terms of climate change mitigation objectives, the removal of trees / woodland and its conversion to industrial use / yard space would result in an adverse impact due to the consequent erosion of tree woodland / cover within the City and the inability to effectively mitigate the loss of the mature woodland within the site by replacement planting / creation of new woodland.

Notwithstanding that none of the trees within the site have statutory protection by virtue of a Tree Preservation Order or location within a conservation area, there remains a statutory duty to have regard to protection of trees in considering planning applications. The Council's Tree Officer has advised that the submitted tree report is inadequate as it does not comply with the relevant British Standard. Notwithstanding that technical point, extensive tree removal forms part of this proposal which would result in an unacceptable loss of tree cover and subsequently a negative impact on both landscape quality and biodiversity. Approximately 96 established trees would be removed, including mature deciduous (primarily beech) specimens of amenity value. The proposal does not therefore accord with policy NE5 and related guidance. The Council's Tree Officer has advised that the loss of this area of woodland would also expose other trees which would otherwise be protected from the wind. This risks tree loss beyond that identified in the applicant's tree report.

Although the submitted plans imply that some trees would be retained with the site, the long term practicality of ensuring retention of mature trees within the context of an industrial yard / use is highly questionable, given permitted development rights in relation to formation of hard surfaces within industrial sites and unlikely to be a sustainable proposition, even if conditions were imposed in attempt to secure such tree retention / minimise disturbance during construction (e.g. due to formation of yard space/hardstanding and conflict with operational requirements). It is highly likely that if change of use were granted, all such trees within the site would be at risk of subsequent removal due to their conflict with operations within the proposed yard space.

Use of conditions would not offset or mitigate the adverse environmental impact of the development given the direct and significant loss of mature woodland and the sensitivity of the location of the site adjacent to the River Don and a popular public recreational path.

The Scottish Government's Policy on Control of Woodland Removal applies and requires that woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits. In this context, whilst it has

been indicated that this development would aid continued expansion of the business, it is not considered that such potential limited economic benefit would represent an overriding wider public benefit, so as to outweigh the negative public impacts set out above and as such does not comply with the Scottish Government's policy. Indeed, such expansion could be facilitated by relocating to a more suitably sized premises or constructing new premises on allocated business and industrial land, for which there is a plentiful supply within the Aberdeen City region.

As the mature deciduous woodland / trees on the site contribute to a high quality environment, their removal would conflict with a key objective of the SFS.

Loss of Greenspace / Open Space

PAN 65 states that -

“The planning system plays an important role in protecting valuable and valued open space... The credibility of the planning system can be significantly undermined when policies on the protection and provision of open space are set aside in development management decisions without sound and clear justification.”

The woodland within the site forms part of open space as designated within the Stoneywood masterplan and OP17 housing development. It is clearly valued by residents of this development, as evidenced by the scale of objection. The greenspace within the site is part of the Green Space Network Core with links to Local Nature Conservation Site (LNCS) River Don Corridor, Stoneyhill, Grandhome / Persley, Kirkhill North.

Notwithstanding that the site has been purchased by the applicant, the conversion of the woodland within the site to industrial yard space and the position of the existing fence results in unacceptable loss of and severance of public access to the woodland area within the site, in conflict with the objectives of policies NE1, NE3 and NE9, and PAN 65. It is noted that no replacement public open space is proposed.

Through the Community Council's response and representations from individual residents, it has been made clear that the local community in the area place particular value on the green space which exists in and around Stoneywood Estate, both in terms of what it contributes towards the parkland character of the area and the wildlife habitat it provides. Several representations highlight the range of wildlife which can be found in the woodland, including red squirrels (a protected species), deer, foxes and birds. By encouraging connectivity between habitats, the Green Space Network helps to improve the viability of species and the health of isolated habitats and ecosystems.

The proposed development is clearly in contravention Policy NE3 and related guidance as it would result in the loss of an area of woodland, considered to be urban green space. No equivalent green space is proposed and even if it was, the relevant additional criteria could not be met, such as the proposal having no significant loss to the landscape character and amenity of the site and surrounding area.

The removal of the woodland would evidently destroy this part of the green space network and erode the network in the wider sense. It may also encourage other businesses within Stoneywood Industrial Estate to seek the removal of other parts of the woodland belt. The use of conditions would not offset or mitigate the adverse environmental impact of the development given the direct and significant loss of mature woodland and the sensitivity of the location of the site adjacent to the River Don and a popular public recreational path.

Landscape Impact

Although no landscape and visual impact assessment has been submitted in support of the proposals, indicative landscape proposals are included on site. Notwithstanding a lack of some details, it is considered that the general impact of the proposal can be sufficiently assessed relative to the objectives of local development plan policies D1 and D2 and related guidance.

The conversion of the woodland to industrial yard space / use and the loss of mature trees proposed is considered to result in a direct adverse landscape impact, particularly given the sensitive riverside location of the woodland and that this landscape change would be highly visible to users of the public path adjacent to the site and residents of some houses located to the south. Many of the objectors recognise that the path and woodland is a valuable recreational asset located with a natural environment of high quality. Its location running along the bank of the river Don adds increased weight to this landscape sensitivity, as recognised by various Council approved documents, including the Stoneywood Development Framework and Masterplan of 2011 and the River Don Corridor Framework of 2012.

In addition to this impact, the fence which has been installed is considered to have a significant adverse impact on an important local natural landscape feature (i.e. mature open woodland) and the setting of the public path. Given that it is positioned immediately adjacent to the public path, there is no space for intervening soft landscaping to screen it from that sensitive receptor. The industrial appearance of the fence is particularly visually incongruous in such a sensitive woodland setting, and results in significant detriment to the amenity and enjoyment of the open space area. The fence is therefore considered to conflict with local development plan policies D1 and D2. It is considered that a relocated fence / boundary treatment on the edge of the existing authorised industrial site would provide adequate security for that operator.

Use of conditions would not offset or mitigate the adverse environmental impact of the development given the direct and significant loss of mature woodland and the sensitivity of the location of the site adjacent to the River Don and a popular public recreational path.

Ecological Impact

PAN 60 states that -

“The planning system has a vital role to play in safeguarding the natural heritage and building environmental capital... Networks of green open space in and around our urban areas make it possible for people to maintain daily contact with nature and offer opportunities for local communities to play an active part in caring for the environment.”

Although the site is not protected by statutory natural heritage designations, it includes mature woodland located adjacent to the river Don and which fulfils an important role as a wildlife corridor, such that there is a relatively high degree of ecological sensitivity. The submitted bat survey has been reviewed by Council officers and is considered to demonstrate that there would be no direct / adverse impact on bat roosts. However, no other ecological surveys have been submitted and it is known that protected species such as red squirrels are present in the wider Stoneywood area.

Removal of mature trees on this scale and conversion of the woodland to industrial use would inevitably reduce the ecological value of the site by reason of the loss of existing habitat / foraging potential. Such erosion of an established woodland is therefore considered to conflict with the objectives of policy NE8, related guidance and PAN60.

Surface Water Drainage

The development would be likely to result in increased surface water runoff due to hard infrastructure required by the development. It may also result in increased pollution risk to the river Don. Replacing woodland with hard concrete / impervious yard space would contribute towards

surface water runoff causing localised risk of flooding and carrying pollutants to the nearby water bodies.

No Drainage Impact Assessment has been submitted to allow assessment by ACC Flooding Team and analysis relative to policy NE6. Given that no SUDS measures are proposed within the site, the proximity of the site to the river Don, the proposed industrial use and the undeveloped nature of the existing woodland, there is a risk that approval would result in increased risk of pollution and/or increased flood risk to adjacent land. Incorporation of SUDS within the site or on adjacent land would be likely to result in increased loss of adjacent woodland / trees as is evident in relation to the adjacent housing development.

Socio- Economic Considerations

No material evidence has been provided that the development would result in a net economic benefit that would justify approval contrary to the various policies which it infringes. Although the applicant claims that the development is urgently required to enable growth of the business at the site, it is noted that the previous application for the same proposal was withdrawn in March 2019. In light of the downturn in oil and gas activity in the Aberdeen area and the availability of surplus and undeveloped industrial land it is considered likely that the proposed development could be accommodated on business / industrial zoned land elsewhere within the Aberdeen area.

No evidence has been provided that the proposal would result in significant social benefits that outweigh the adverse environmental impacts or that the proposal would contribute to the objective of sustainable economic development.

Road / Public Safety

Although many of the objectors identify a concern that the fence creates a safety hazard due to its proximity to the path and effective narrowing of the usable width of this recreational pedestrian / cycle through route, the Council Roads officers have not identified this as a concern. However, the planting of a screen hedge immediately adjacent to the path as proposed may conflict with user perceptions of public safety, reduce the open nature of its setting and may therefore reduce the attractiveness of the path to users in conflict with the objective of policy T3. Any intensification in the vehicular use of the existing site access due to the limited additional car parking proposed on site is not considered to result in traffic generation concerns / adverse impact on the public road network.

Precedent

In light of the previous planning application for extension of yard space at Unit 1 Stoneywood Park, there is recent evidence of pressure for similar proposals nearby. Approval of the application would result in the creation of an undesirable precedent for similar proposals for expansion of nearby industrial sites resulting in further loss of trees and woodland and encroachment towards a residential area.

Enforcement Action

The fence which has been installed is considered to have a significant adverse impact on an important local natural landscape feature (i.e. mature open woodland) and the setting of the public path. Given that it is positioned immediately adjacent to the public path, there is no space for intervening soft landscaping to screen it from that sensitive receptor. The industrial appearance of the fence is particularly visually incongruous in such a sensitive woodland setting, and results in significant detriment to the amenity and enjoyment of the open space area. The fence is therefore considered to conflict with local development plan policies D1 and D2. Notwithstanding that the site has been purchased by the applicant, the position of the fence results in unacceptable severance of public access to the woodland area within the site in conflict with the objectives of policy NE1, NE3 and NE9. It is considered that a relocated fence / boundary treatment on the edge of the existing authorised industrial site would provide adequate security for that operator. It

is therefore considered that enforcement action should be sought in order to remove the existing fence and enable public access to the woodland.

Other Considerations

Impact on property values is not a material planning consideration.

Conclusion

The extensive loss of trees / woodland proposed and conversion of the green space within the site to industrial use is considered to be unacceptable and would not be outweighed by any significant economic / social benefit. Enforcement action is required to remove the unauthorised fence.

In the event that the Committee do not agree with the recommendation, members may wish to consider the need for further environmental impact information (e.g. revised tree survey, landscape and visual impact assessment, further ecological surveys, drainage impact assessment and noise impact assessment) to be submitted prior to determination, as requested by relevant consultees (e.g. the Council's Environment Policy Team and Environmental Health Service).

RECOMMENDATION

1. Refuse planning permission;
2. Instruct enforcement action to secure removal of the unauthorised security fence.

REASON FOR RECOMMENDATION

1. Reasons for refusal -

Loss of Mature Trees / woodland

The loss of mature woodland / established trees directly conflicts with the objectives of policy NE5 (Tree and Woodland) of the Aberdeen Local Development Plan 2017 and wider climate change mitigation objectives and the objectives of sustainable development. It is considered that the extent of loss of mature trees cannot be adequately mitigated by replacement planting on site. Use of conditions / compensatory planting would not adequately offset / mitigate the adverse environmental impact of the development given the direct and significant loss of mature woodland and the sensitivity of the location of the site adjacent to the River Don and a popular public recreational path.

Loss of Greenspace / Open Space

Notwithstanding that the site has been purchased by the applicant, the conversion of the woodland within the site, which forms part of a consented housing development, to industrial yard space and the position of the existing fence results in unacceptable loss of / severance of public access to the woodland area within the site in conflict with the objectives of policies NE1 (Green Space Network), NE3 (Urban Green Space) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan 2017 and PAN 65. It is noted that no replacement public open space is proposed. Use of conditions would not offset / mitigate the adverse environmental impact of the development given the direct and significant loss of mature woodland and the sensitivity of the location of the site adjacent to the River Don and a popular public recreational path.

Adverse Landscape Impact

The conversion of the woodland to industrial yard space and the loss of mature trees proposed is considered to result in a direct adverse landscape impact, particularly given the sensitive riverside

location of the woodland and that this landscape change would be highly visible to users of the public path adjacent to the site and residents of some houses located to the south.

The fence which has been installed is considered to have a significant adverse impact on an important local natural landscape feature (i.e. mature open woodland) and the setting of the public path. The industrial appearance of the fence is particularly visually incongruous in such a sensitive woodland setting, and results in significant detriment to the amenity and enjoyment of the open space area. Given that it is positioned immediately adjacent to the public path, there is no space for intervening soft landscaping to screen it from that visual receptor.

Residential Amenity

Notwithstanding that no noise impact assessment has been submitted, as required to assess the impact of the proposal relative to local development plan policy T5 (Noise) of the Aberdeen Local Development Plan 2017, the expansion of industrial use at the site onto adjacent land which is not allocated for industrial purposes would detract from the residential amenity of the area (by reason of loss of amenity green space and intervening woodland which forms part of a consented housing development, the increased proximity of industrial operations to housing and potential noise disturbance and visual intrusion that would result) The loss of valued open space and unacceptable impact on the amenity of the surrounding area result in such that the proposed development is contrary to policy H1.

Precedent

Approval of the application would result in the creation of an undesirable precedent for similar proposals for expansion of nearby industrial sites resulting in further loss of trees / woodland and encroachment towards a residential area.

Surface Water Drainage

No Drainage Impact Assessment has been submitted to allow assessment by ACC Flooding Team. Given that no SUDS measures are proposed within the site, the proximity of the site to the river Don, the proposed industrial use and the undeveloped nature of the existing woodland, there is a risk that approval would result in increased risk of pollution and/or increased flood risk to adjacent land. Incorporation of SUDS within the site or on adjacent land would be likely to result in increased loss of adjacent woodland / trees.

2. Justification for Enforcement Action

Enforcement Action is sought to ensure removal of the existing unauthorised security fence and enable public access to the adjacent woodland area within the site / protect the landscape setting of the public riverside / woodland path adjacent to the site in accordance with the objectives of ALDP policies D1: Design; D2: Landscape; H1: Residential Areas; NE1: Green Space Network; NE3: Urban Green Space; NE9: Access and Informal Recreation.