



Planning Development Management Committee

Report by Development Management Manager

Committee Date: 15th February 2024

Site Address:	Oceanering House, Pitmedden Road, Dyce, Aberdeen AB21 0DP
Application Description:	Erection of Palisade Security Fence and Gates (retrospective)
Application Ref:	231498/DPP
Application Type	Detailed Planning Permission
Application Date:	28 November 2023
Applicant:	Raiths Farm Properties Ltd
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stoneywood



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises part of a vacant site previously occupied by Oceaneering (a now demolished 3 storey building and associated parking). It comprises a strip of incidental amenity landscaping running along the Pitmedden Road frontage and returning along the side boundaries of the site. There are a number of established deciduous trees along the site frontage. Gates have been erected at the pre-existing vehicular and pedestrian (now redundant) access points to the site from Pitmedden Road. To the west of the site is a fire station, associated open space and yard. To the east lies the former railway line (now public path) which lies within a cutting at this point.

Relevant Planning History

An enforcement case (ref. ENF230149) was opened in August 2023 following receipt of a public complaint regarding the development. The current application has been submitted in response to that complaint.

APPLICATION DESCRIPTION

Description of Proposal

Retrospective permission is sought to erect the metal security fencing and gates on the site. The development, which was completed in October 2022, has been erected to ensure security of the site whilst it remains vacant. The fence and gates are a maximum of 1.85m above ground level and of palisade construction, thereby affording a relatively high level of security. The metal has a natural galvanised finish. The supporting posts are set in concrete extending around 0.6m below ground. These posts are set at a spacing of around 2.75m. The fence runs along the road frontage, part of the east site boundary and part of the west site boundary, forward of a 2m high wall. Consent is sought for a period of 5 years.

Amendments

In agreement with the applicant, the following amendments were made to the application:

- Proposed landscaping (hedge) along Pitmedden Road frontage of site

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=S4S9GTBZHZU00>

- Supporting Statement and related evidence

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the local Community Council object to the application and the recommendation is approval.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Note that the gates do not open towards the public road.

Aberdeen International Airport – No objection / aerodrome safeguarding concerns.

Dyce and Stoneywood Community Council – Object on the following grounds:

- Lack of need for the development
- Visual impact / conflict with Aberdeen Local Development Plan 2023 policy D1
- Obstruction of access
- Precedent
- Misleading site description

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Under the Equality Act 2010, public authorities (including the Planning Authority) must have due regard to the public sector equality duty. This means that there is a legal duty on the Planning Authority to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between different groups when making decisions and developing policies. The Planning Authority must therefore have due regard to the potential impact of a proposed development on groups with protected characteristics and this potential impact must be considered and weighed against other material considerations and relevant planning policies in the consideration of a planning application.

Development Plan

National Planning Framework 4 (NPF4)

NPF4 is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The following policies are relevant:

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 3 (Biodiversity)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 14 (Design, Quality and Place)
- Policy 20 (Blue and Green Infrastructure)
- Policy 23 (Health and Safety)
- Policy 26 (Business and Industry)

Aberdeen Local Development Plan 2023 (ALDP)

The following ALDP policies are relevant:

- Policy B1 (Business and Industrial Land)
- Policy R2 (Degraded and Contaminated Land)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE5 (Trees and Woodland)

- Policy D1 (Quality Placemaking)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)

Aberdeen Planning Guidance (APG)

- Landscape APG
- Natural Heritage APG

Other National Policy and Guidance

- Naturescot Developing with Nature Guidance: <https://www.nature.scot/doc/developing-nature-guidance>

Other Material Considerations

- ACC Open Space Audit 2010

EVALUATION

Principle of Development

As the works do not directly relate to an active business / industrial use and do not comprise a change of use NPF4 policy 26 and ALDP policy B1 are of limited relevance in this case. By provision of security, the works accord with the objectives of these policies in relation to promotion of potential business and industrial development. The works relate to a vacant site which has been subject of unauthorised use by third parties. This is demonstrated by the evidence provided by the agent, including the serving of a court order in June 2022 to prevent its use by unauthorised occupiers. The Planning Authority has no direct evidence as to who the unauthorised occupiers were, however in their supporting statement the agent refers to the unauthorised occupiers as travelling people. As no planning permission has been granted for redevelopment of the site there is an element of uncertainty regarding its future use. Pending potential redevelopment of the site, there is a legitimate need to restrict access to it in order to reduce the future risk of unauthorised use / activity (e.g. fly tipping / occupation by third parties). Whilst the proposal does not in itself entail the re-use of a brownfield site, by securing the site and reducing the risk of its unauthorised use and fly tipping, the works may help to enable the active re-use of a vacant site in accordance with the objectives of NPF4 policies 9 and 26 and ALDP policies B1 and R2.

Visual / Landscape Impact

It is noted that the frontage of the site, in common with many other industrial / business premises fronting onto Pitmedden Road, is set behind a landscape strip which acts as a strong visual buffer and enhances the setting of this public approach road to / from Dyce and the Airport. The erection of the fencing at the site has resulted in the partial removal of pre-existing shrubbed areas that provided a degree of screening / softening of the site, although the trees within the buffer area have been retained.

Whilst the fencing and gates are of a utilitarian industrial appearance, they are set back from the road frontage of the site and from the railway path, such that there is potential for provision of intervening screen planting / softening along the main road frontage within the site. It is noted that the embankment of the former railway line supports established vegetation which provides a significant degree of screening of the fence from that visual receptor.

As regards the landscape and visual impact of the works and consideration of NPF4 policy 14 and

ALDP policies D1, D4, D5, given the visible location of the site and that elements of established planting/ vegetation have been removed to undertake the works, enhanced landscape measures (hedge planting) are required along the Pitmedden Road. It is envisaged the hedge would be a long term feature and is not expected to be removed once the fencing is removed. It is considered that subject to successful implementation and establishment of the proposed hedge planting, the visual impact of the works is acceptable and accords with NPF4 policy 14 and ALDP policies D1, D4 and D5 and related guidance. If the site is redeveloped within the 5 year consent period sought, the fence may not be appropriate to be retained and thus it is appropriate to impose a time limit on any approval.

Tree Impact

No trees have been removed to accommodate the development. As the works have already been undertaken, the matter of tree protection is not of relevance in this case. Thus, there is no conflict with NPF4 policy 6 and ALDP policy NE5.

Open Space Impact

The development does not impact on areas identified as green space network in the ALDP. Whilst the fencing has been erected within areas identified as amenity space in the Council's open space audit, and the works prevent public access to the wider site, which includes other incidental amenity areas, these open space areas are not provided for public recreational purposes. The restriction of access to the site is justified as the open space areas affected are incidental landscaped amenity areas which formed part of a development site and were not provided for active public use and the site is now vacant. Whilst a limited degree of greenspace and planting has been lost due to the erection of the fencing, this impact can be addressed by provision of compensatory replacement planting within the site. Thus, any tension with NPF4 policy 20 and ALDP policy NE2 does not warrant refusal in this instance.

Climate / Nature Crises

Whilst limited areas of shrub planting have been removed to accommodate the fencing, that planting had no statutory protection. The application has been amended to include replacement hedge planting along the main road frontage in accordance with the objectives of NPF4 policies 1 and 3, ALDP policy NE3 and related guidance, which requires that proposals mitigate adverse effects and achieve overall biodiversity gain. Whilst the proposed beech planting is not a native species, it is an established locally used species (e.g. historically used for field boundaries) and would provide visual interest in the winter and shelter / habitat for birds and other species.

Public and Aviation Safety

The agent has confirmed that the gates open into the site and the Roads Development Management Team have no road safety concerns regarding the works. It is unclear if the works have been designed to take account of suicide risk. However, any tension with NPF4 policy 23 does not warrant refusal as the works do not relate to structures associated with suicide risk. As there would be no conflict with the safe operation of the airport there is no conflict with ALDP Policy B4.

Precedent

Whilst Pitmedden Road generally exhibits a high level of landscape treatment, with limited use of perimeter / security fencing on the public frontages, the site immediately to the south of the site, on the opposite side of the road has unscreened metal palisade fencing of similar appearance and height to that which is the subject of the current application. Given the absence of any screening between that fencing and the public road, it does not provide a positive design exemplar. In contrast with that site, the application site, has a degree of intervening screen planting / softening within the landscape strip along Pitmedden Road. That screening would be enhanced by proposed hedge planting, albeit such planting would take a number of years to provide an effective screen. Given this context, approval of the current application does not result in an undesirable precedent.

Other Matters Raised in Representation

The visual impact of the fence is addressed above. In response to the claim that the fence is unnecessary, the agent has provided evidence which demonstrates that the fence is required in order to prevent unauthorised access to and use of the site. The fact that the fence cuts across redundant footway and vehicle access points into the site is not grounds for refusal as these access points are not in public use. Given the industrial context of the site and the existence of a similar fence nearby fronting onto Pitmedden Road, approval of the application does not result in an undesirable precedent. It is considered that the description of the site as Oceaneering House is appropriate in this instance and not unduly misleading, notwithstanding that the building has been demolished.

Other Material Considerations

The supporting statement submitted with the application notes that the site has previously been occupied by travellers. The site is not an authorised halting site for travellers, or other similar groups with protected characteristics, and has no historic use of authorised occupation for such purposes, having previously been used as part of business premises. The Planning Authority has considered the potential impact of the proposal on persons with protected characteristics and does not consider that the erection of the development would have an impact adverse impact on that community, or other similar persons with protected characteristics. Thus, in evaluating the proposal, the Planning Authority consider that there is no conflict with the requirements of the Equality Act 2010 and therefore the potential impact on persons with protected characteristics does not warrant a refusal of the planning application.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

By securing a redundant site and reducing the risk of its unauthorised use / fly tipping, the works help to enable the active re-use of a vacant site in accordance with the objectives of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 26 (Business and Industry) within National Planning Framework 4 (NPF4) and Policy B1 (Business and Industrial Land) and Policy R2 (Degraded and Contaminated Land) within the Aberdeen Local Development Plan 2023 (ALDP).

Subject to provision of mitigatory hedge planting on site, there would be no conflict with the landscape / design quality objectives of NPF4 Policy 14 (Design, Quality and Place) and ALDP policy D1 (Quality Placemaking) and ALDP Policy D4 (Landscape), Policy D5 (Landscape Design) and Policy NE2 (Green and Blue Infrastructure). The requisite biodiversity enhancement (hedge planting) can be achieved by condition to ensure compliance with NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 3 (Biodiversity) and ALDP Policy NE3 (Our Natural Heritage). The limited tension with NPF4 Policy 20 (Blue and Green Infrastructure), NPF4 Policy 23 (Health and Safety) part (f) and ALDP Policy NE2 (Green and Blue Infrastructure) does not warrant refusal. There is no conflict with NPF4 Policy 6 (Forestry, Woodland and Trees) and ALDP Policy NE5 (Trees and Woodland). As there would be no conflict with the safe operation of the airport there is no conflict with ALDP Policy B4 (Aberdeen Airport).

CONDITIONS

(01) BIODIVERSITY ENHANCEMENT / LANDSCAPING

All soft landscaping and biodiversity enhancement (hedge planting) proposals shall be carried out in accordance with the planting plan hereby approved (drawing ref. 2439/1001 A) and shall be completed during the next available planting season (i.e. by 30/04/2024), or such other date / plan as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the planting, in the opinion of the Planning Authority is dead, severely damaged or has become seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Unless evidence of the implementation of the requisite planting has been submitted to the Planning Authority by 30 April 2024, the approved fencing shall not be retained on the site after 31 May 2024.

Reason - To ensure the implementation of a satisfactory scheme of landscaping, in the interests of visual amenity and biodiversity enhancement.

(02) LIMITED PERIOD FOR PERMISSION

Planning permission for the fencing hereby approved shall be for a limited period of 5 years from the initial erection of the development, expiring on 01/10/27.

Reason: In order to enable the visual impact of the development on the amenity of the surrounding area to be reviewed pending the implementation of the site landscaping, given the risk of its failure and the potential redevelopment of the site.