

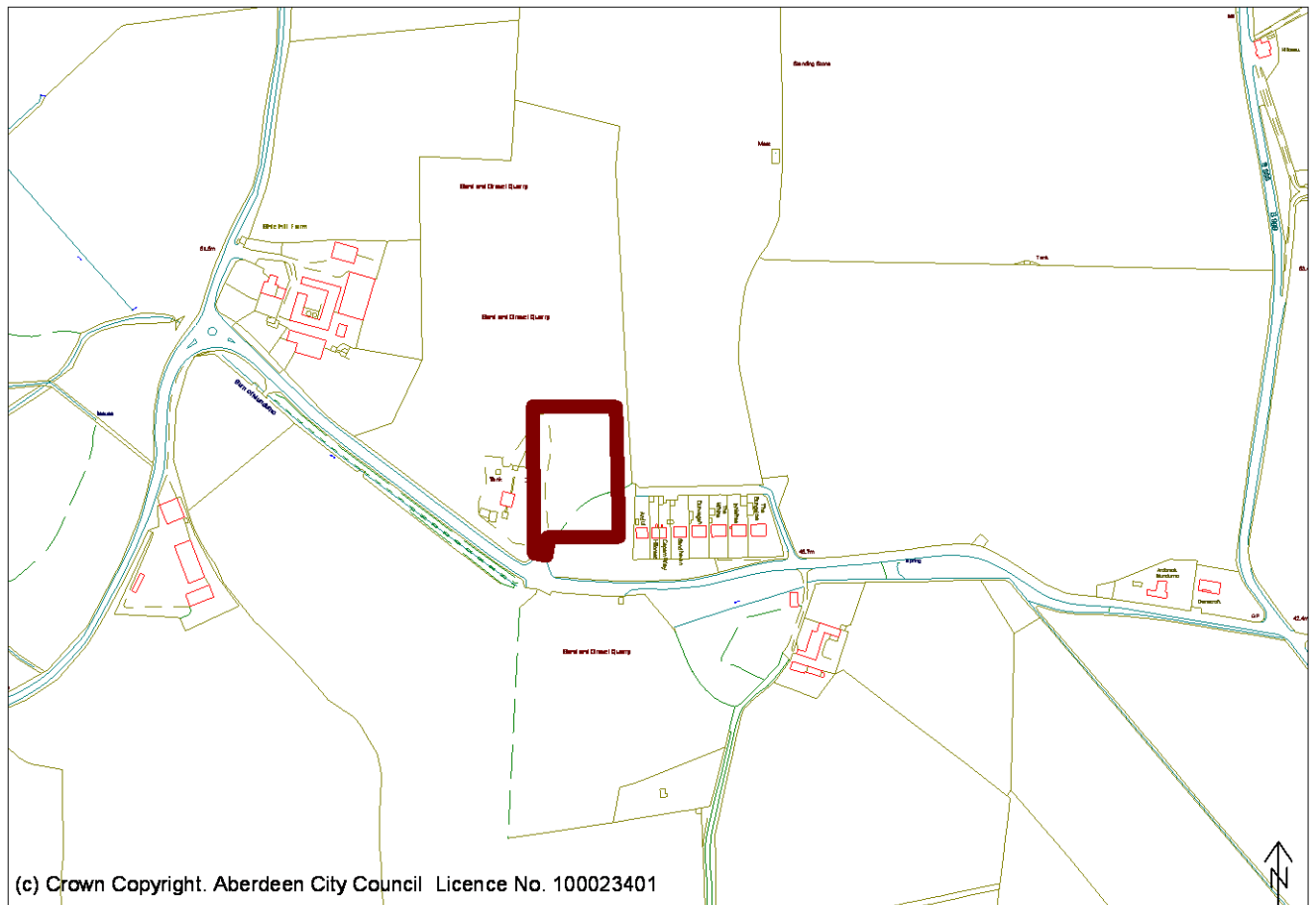
SHIELHILL, BRIDGE OF DON

PROPOSED OFFICES AND WORKSHOP,
OPEN STORAGE YARD AND ERECTION
OF BOUNDARY FENCE.

For: WM Walker Transport

Application Ref. : P121292
Application Date : 17/09/2012
Officer : Robert Forbes
Ward: Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 26/09/2012
Committee Date : 17 January 2013
Community Council : No response received



RECOMMENDATION: Approve Subject to Legal Obligation and Conditions

DESCRIPTION

This site is located beyond the northern edge of the built up area of Bridge of Don and comprises part of a redundant sand and gravel quarry that has been derelict and unused for many years. The site area extends to 0.65 hectares and does not include the access from the public road or other parts of the redundant quarry. Other parts of the wider site have been used for open storage associated with the offshore oil industry. Immediately to the west of the site is a concrete batching plant which shares the same access from the public road. Visibility along Shielhill Road is restricted due to the engineered bunds which have been formed along the road edge and due to vegetation. The wider area comprises open undulating farmland and derelict industrial land (a former brickworks) / redundant quarry workings. The former brickworks is located adjacent to and accessed from, the Shielhill public road , which lies to the south of the site. To the east of the site is a row of detached inter-war houses set at a higher level than the site and screened by a vegetated bund.

HISTORY

A detailed planning application for change of use of the site from mineral extraction to open storage was submitted in 2006. This proposal was originally considered by the planning committee in 2006 when it was recommended that the proposal be refused due to contravention of green belt policy and detrimental impact on residential amenity. The committee, however, expressed a willingness to approve the application and it was then called in by the Scottish Ministers. Conditional planning permission was granted by the Scottish Ministers in September 2007, in accordance with the reporter's recommendation of approval. The conditions imposed related to hours of operation, provision of landscaping, improvement of the site access, surface water, the design of buildings and restoration of the site. This permission does not appear to have been implemented and expired on 27 September 2012, after submission of the current application.

Planning applications for major residential development on the land to the south of the site have recently been submitted and are awaiting determination.

PROPOSAL

Detailed planning permission is sought for the formation of an open storage yard with associated workshop / office building to be used for cleaning and maintenance of the applicants's lorry stock. Parking for 20 cars and 6 articulated lorries would be provided within the yard. The floorspace of the building would be 777 square metres. The building would be positioned towards the eastern edge of the site with the openings facing into the yard away from existing housing. It would be about 34m from the closest house. The building would have a wallhead height of 6m and a ridge height of 8m. Due to the change in ground levels between the site and the land to the east, the ridge of the roof of the proposed building would be lower than that of the existing houses. The building would have grey metal clad walls and metal roller shutter doors. The proposal has been amended to ensure retention of the existing screen bunds and to reposition the proposed palisade fences which would be located at the edges of the yard rather than the site boundaries.

REASON FOR REFERRAL TO SUB-COMMITTEE

The proposal has been advertised as a project of public concern.

CONSULTATIONS

ROADS SECTION – No objection subject to provision / maintenance of visibility at the junction with the public road and provision of SUDS measures;

FLOODING UNIT – No objection. Request details of surface water treatment;

ENVIRONMENTAL HEALTH – No objection subject to conditions restricting night time hours of operation and in relation to noise and contamination;

CULTURE – Request that a condition be imposed in relation to archaeological investigation of the site;

COMMUNITY COUNCIL – No response received

REPRESENTATIONS

Three objections have been received from nearby residents. Their concerns relate to road safety (increased HGV traffic at a dangerous access / road), generation of increased noise and disturbance to residents, inappropriate boundary treatment, and concern regarding possible removal / disturbance of the existing screen mound between the houses and the site, resulting in loss of privacy.

PLANNING POLICY

The key objective of the Scottish Government is sustainable economic growth. The key objectives regarding green belt policy are set out in SPP.

The site lies within the green belt (policy NE2) and green space network area (policy NE1) as defined in the Adopted Local Plan. The land to the south of the site across Shielhill Road is identified for residential development in this plan (OP25). Other Local Plan policies of relevance include D1 (Architecture and Placemaking), D3 (Sustainable and Active Travel), D6 (Landscape), T2 (Managing Transport Impact) R2 (Degraded and Contaminated Land), R7 (Low / Zero Carbon Buildings), NE5 (Trees) and NE6 (Flooding and Drainage).

EVALUATION

This application requires to be determined in accordance with the Development Plan, unless outweighed by other material considerations. The Development Plan consists of the Approved Structure Plan and the Adopted Local Plan. Other material considerations include Scottish Government Planning Policy and the planning history.

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the plan only in so far as it related to Issue 64 (Allocated Sites: Woodend...Summerhill... etc.) and that it would be disproportionate to quash the whole plan.

This evaluation has had regard to and taken into account the legal challenge. None of the policies or material considerations which apply to this application would be affected by the terms of Tesco's challenge. The recommendation would be the same if the application were to be considered in terms of the 2008 Aberdeen Local Plan.

Development Plan

The proposal does not conflict with any policies within the Structure Plan. It is recognised that the proposed use is not one which is compatible with green belt policy (NE2) or green space network (policy NE1) within the Adopted Local Plan. However, the proposal does not differ significantly from that which was considered in 2007 against a similar national / development plan policy scenario in relation to consideration of development in the green belt and was found to be acceptable. The site is already considerably degraded, so that it does not represent a landscape asset or feature of significant value in terms of natural heritage. It does not currently contribute positively to the strategic function of the green belt or green space network and the proposed development would be well screened from the public road so that there would be no significant adverse impact on visual amenity. The proposal has been amended to ensure retention of the existing vegetated screen bunds and associated trees / scrub and relocation of the proposed fencing in order to comply with local plan policies D6 and NE5. Although the proposed building is of no outstanding design merit, being of typical industrial appearance, given that it would be largely screened from public view, there is considered to be no conflict with the objectives of local plan policy D1. Imposition of a condition requiring provision of low / zero carbon equipment on site would ensure compliance with policy R6. Provision of SUDS on site would enable compliance with policy NE6, in accordance with the recommendation of the Council's flooding unit.

Planning History

Although now expired, the previous planning permission for the site is a significant material consideration which weighs in favour of the development. The reporter concluded that the development does not offend key green belt objectives as set out in SPP21 (now incorporated into SPP). He placed considerable weight on the fact that the site is well screened and the assumption that the site "seems likely to lie derelict serving no beneficial purpose indefinitely".

It is also a significant material consideration that since the previous approval the land to the south of the site has been rezoned for development by the local plan adopted in 2012, so that the proposal can effectively be considered to represent a logical continuation of planned urban expansion rather than the creation of an

isolated incursion into undeveloped countryside. By the creation of employment close to a planned major housing development, the proposal would therefore accord with the Scottish Government objective of sustainable economic growth.

Residential Amenity

Notwithstanding the objector's concerns regarding impact on their amenity, a noise impact report has been submitted by the applicant and has been assessed by the Council's Environmental Health Officers. They have no objection to the proposal, subject to restriction of the hours of operation. Furthermore, the provision of a building on the site represents an improvement on the previous approval as the extent of open storage would be reduced and due to the provision of additional screening between the site and the adjacent houses to the east. The proposal has been amended to ensure retention of the existing vegetated screen bunds and associated trees / scrub and relocation of the proposed fencing in order to comply with local plan policies D6 and NE5 and address the objectors' concerns.

Road Safety / Traffic

Given that the site takes access from an existing junction with sub standard visibility onto a road where the national speed limit applies, and given that the proposal would result in an increase in HGV traffic, the concerns regarding road safety are a relevant material consideration. The roads officers have no fundamental objection to the proposed development, subject to improvement of visibility. In this case, the achievement of the required visibility requires agreement with the landowner as the land affected by the visibility splay is not under the applicant's control and is owned by a third party, so that it would not be appropriate in this case to rely on use of a condition.

Given the proximity of the site to a future new community and the level of car parking proposed within the site, the proposal would accord with local plan policies D3 and T2, subject to reduction of the speed limit on Shielhill Road in order to address the existing severance created by the road and enable improved pedestrian connection between the site and the land to the south. Reduction in the speed of traffic along this road would also help to address the objectors' concerns regarding safety, but will require the use of traffic orders and possible developer contributions.

Contamination

The Council's environmental officers have identified that the site is potentially contaminated and a site investigation has confirmed that the site comprises made ground. Given that the proposed end use as storage / industrial use is of relatively low sensitivity, being no more sensitive to contamination than the use which was approved in 2007 and given that no condition was imposed regarding remediation of contaminants at that time, it is considered unnecessary to impose such a condition in relation to the current application. By securing the remediation of existing degraded and potentially contaminated land, the proposal would accord with local plan policy R2.

Archaeology

Given that the site lies within redundant quarry workings, so that the original ground levels have been substantially altered by previous engineering activity and given that no condition was previously imposed regarding archaeology, it is considered that there is no need to now impose a condition requiring archaeological investigation.

Conclusion

It is considered that the proposal does not represent a significant departure from the development plan that warrants refusal of the development or requires that the proposal be referred to Scottish Ministers for consideration. Conditions and a legal obligation are considered necessary in order to ensure that the environmental and safety impacts of the development are addressed.

RECOMMENDATION

Approve Subject to Legal Obligation, required to address the traffic / safety impact of the development by provision / maintenance of the required sight lines at the site entrance and reduction of the speed limit on Shielhill Road **and the following Conditions**

REASONS FOR RECOMMENDATION

It is recognised that the proposed use is not one which is compatible with green belt policy or green space network policy. However, the proposal does not differ significantly from that which was considered in 2007 against a similar national / development plan policy scenario in relation to development in the green belt and was found to be acceptable. The site is already considerably degraded, so that it does not represent a landscape asset or feature of significant value in terms of natural heritage. It does not contribute positively to the strategic function of the green belt and the previous planning permission for the site is a significant consideration which weighs in favour of the development. Furthermore, the provision of a building on the site represents an improvement on the previous approval by provision of additional screening between the site and the adjacent houses to the east. It is considered that the proposal does not represent a significant departure from the development plan that warrants refusal of the development or requires that the proposal be referred to Scottish Ministers for consideration. Conditions and a legal obligation are considered necessary in order to ensure that the environmental and safety impacts of the development are addressed.

It is recommended that approval is granted with the following conditions:

(1) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(2) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(3) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and yard boundary enclosures for the development hereby granted planning permission. The buildings hereby granted planning permission shall not be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(4) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(5) That no deliveries to or uplifts from the premises shall take place, nor shall any operations take place within the building or yard, other than during the hours from 7.00 am until 7.00 pm, Mondays to Fridays and from 8.00am until 1.00pm on Saturdays, nor at any time on Sundays, unless the planning authority has given prior written approval for a variation - in order to preserve the amenity of the neighbourhood and avoid noise disturbance to nearby residents.

(6) All noise attenuation measures identified by the approved noise assessment report (dated 9/10/12, a copy of which is attached to this planning permission) which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area shall be installed prior to operation of the building hereby approved, unless the planning authority has given prior written approval for a variation - in the interests of residential amenity.

(7) that the building hereby approved shall not be brought into use unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details - to ensure this development complies with requirement for on-site carbon emissions contained in Scottish Planning Policy (SPP) and specified in the the City Council's relevant published Supplementary Planning Guidance 'Low and Zero Carbon Buildings'.

(8) that no development pursuant to this planning permission shall take place unless a plan showing an area within which large commercial vehicles may turn, in order to enter and leave the site in a forward gear, has been submitted to and approved in writing by the planning authority. Such a plan shall include details of surfacing, drainage and demarcation of the said area. The development hereby granted planning permission shall not be used unless the turning area has been laid out in complete accordance with the plan approved pursuant to this condition or such other plan as maybe subsequently approved in writing for the purpose. The said turning area shall not be used for any purpose other than the turning of motor vehicles or for gaining access to areas beyond the limits of the turning area - in the interests of road safety, public safety, the free flow of traffic and visual amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development