

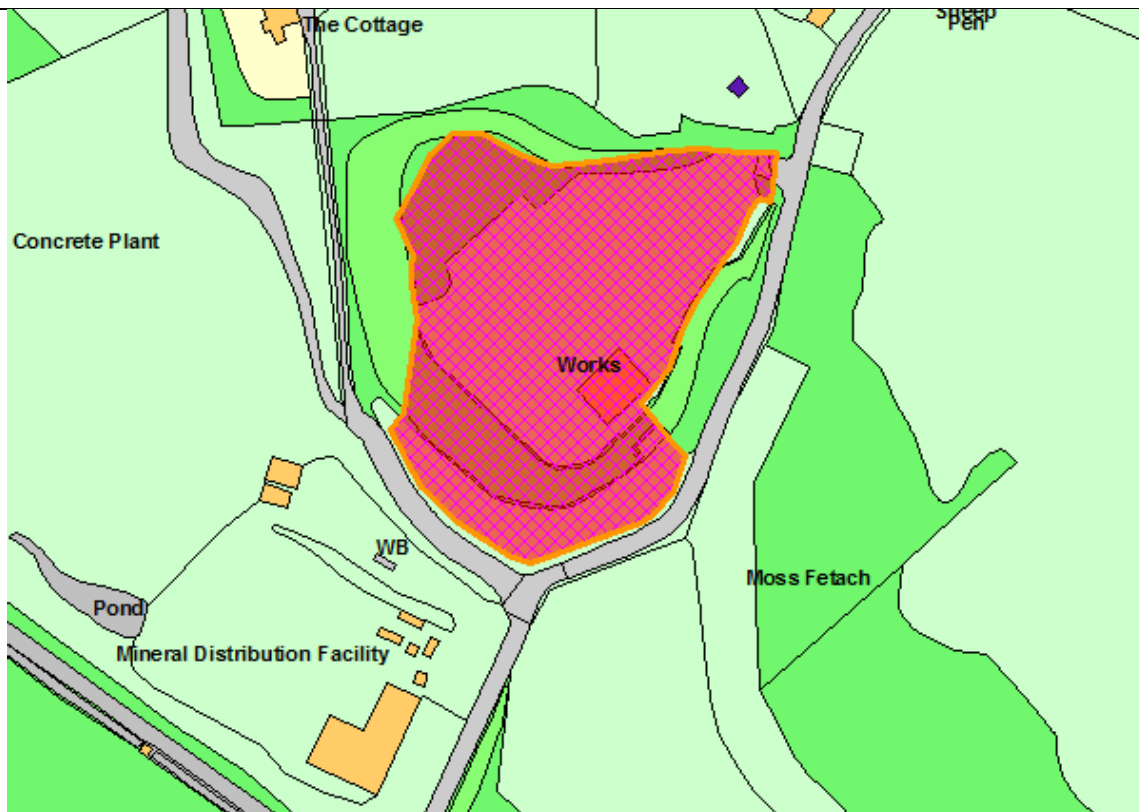


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20 September 2018**

<b>Site Address:</b>	Former Mill Of Dyce Quarry And Blockworks Yard, Pitmedden Road, Dyce, Aberdeen AB21 0HA
<b>Application Description:</b>	Change of use of former blockworks to allow storage of heavy goods vehicles and plant, with associated office, service facilities and yard space
<b>Application Ref:</b>	180693/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	3 May 2018
<b>Applicant:</b>	Crusher Hire UK Ltd
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council</b>	Dyce And Stoneywood
<b>Case Officer:</b>	Robert Forbes



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### **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

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### **Site Description**

A redundant quarry which has subsequently been used for industrial purposes and has not been restored. It is located in open countryside north of Dyce and the AWPR, west of the River Don. Immediately to the south is the Aberdeen to Inverness railway line. The central part is concrete hardstanding, which has recently been used for the storage of heavy vehicles / plant / machinery on an unauthorised basis. This part is set below the level of the access track and adjacent land. Access is from Pitmedden Road, via an unadopted private access.

### **Relevant Planning History**

The site has a lengthy planning history dating back to 1949 when it was in use as a sand quarry.

In 1971 unconditional planning permission for erection of a block making factory was granted (ref. 1971/411).

In 2000, a CLU (ref. A0/1105) was issued for the use of the site as a block making works (i.e. a class 5 general industrial use). A second CLU for the proposed use of the site as a waste transfer station (ref. A0/1106) was refused at Committee in September 2000. This was subsequently granted on appeal in 2002, following a public local inquiry, where the proposed use was considered to fall within class 5 (general industrial), rather than class 6 (storage and distribution), thus did not require planning permission.

In 2003, a further CLU, for use of the site as a vehicle maintenance depot (ref. A2/2252) was refused, both by ACC and at appeal.

In 2007 a planning application for change of use of the site from industrial use to car parking for Aberdeen Airpark was refused at Committee (ref. A7/0857).

In 2010 a further similar planning application for use as car parking (ref. 091209) was again refused at Committee for the following reasons:-

1. Contravention of Green Belt policy;
2. Adverse visual effect on the landscape setting of Old Dyce Churchyard;
3. Adverse impact on the residential amenity of adjacent dwelling houses by virtue of the degree of vehicle movement outwith normal working hours.

In 2014 a planning application (ref. 140361) was submitted for erection of a log processing facility, but was subsequently withdrawn. A supporting statement for this application described the site as not currently being in use.

An enforcement case file was opened in 2017, to investigate the alleged unauthorised use of the site for storage of plant / machinery. That unauthorised use has since ceased, but the current application has been submitted in response to the enforcement investigation.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Use of the land for storage of HGVs / plant and associated ancillary facilities. Limited physical development is proposed, comprising the erection of ancillary temporary buildings located close to the site access. This would include a security cabin and two Portacabin containers (each approx.

9m long by 3.5m wide). A derelict hardstanding area at the southern edge of the site, which lies outwith the quarry floor, would be landscaped. It was originally proposed to develop this area as ancillary car parking and with offices, but the proposal has been amended to relocate such facilities to within the quarry floor. The existing access, located at the north-east corner of the site, would be retained and ancillary car parking provided within the site close to this junction (16 spaces).

### 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=P83H3XBZ00D00>.

- Ecological Survey;
- Landscape Proposals;
- Transport Statement;
- Drainage Statement;
- Flood Risk Assessment;
- Noise Impact Assessment;
- Planning Statement; and
- Commercial Report

### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the number of objections exceeds the threshold of 6, the local Community Council object and the recommendation is for approval.

### CONSULTATIONS

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**ACC - Environmental Health** – No objection in relation to noise impact, provided noise mitigation measures are implemented in accordance with the submitted Noise Impact Assessment.

**ACC - Roads Development Management Team** – No objection, subject to a condition requiring upgrading (surfacing) of the site access and its junction with Pitmedden Road.

**ACC - Flooding And Coastal Protection** – Note that there is a risk of surface water flooding and that a drainage impact assessment has been provided. No objection subject to a condition regarding treatment of surface water.

**ACC - Contaminated Land Team** – Advise that the site is suitable for the proposed use and that no remediation is needed.

**Aberdeen International Airport** – No objection in terms of aerodrome safeguarding.

**Shell UK Exploration And Production** – Advise that oil / gas pipelines are located to the south of the site but the development would not affect pipeline integrity / servitude strip.

**Scottish and Southern Energy Power Distribution** – Advise that a high voltage overhead electricity line crosses the northern part of the site.

**Historic Environment Scotland** – No comments. Note that there are 2 scheduled ancient monuments close by and that the application should be determined in accordance with national and local policy on development affecting the historic environment.

**Dyce and Stoneywood Community Council** – Object on the basis of: inappropriate use; conflict with local plan policies NE1 and NE2; adverse traffic impact; and adverse noise impact on nearby residents.

## **REPRESENTATIONS**

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7 objections have been received, raising the following concerns:-

1. inadequate neighbour notification;
2. traffic impact / road safety;
3. noise impact;
4. conflict with green belt policy;
5. adverse impact on neighbours / surrounding greenspace; and
6. concerns regarding adverse visual impact of the car park area / Portacabin proposed at the southern edge of the site (latter now deleted).

## **MATERIAL CONSIDERATIONS**

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### **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.

As less than 20 objections have been received, there is no requirement to hold a public hearing in advance of determination of the application in accordance with Section 38A of the 1997 Planning Act. Additionally, notwithstanding that the proposal is considered to potentially conflict with certain policies within the adopted Local Development Plan, it is not considered to be a significant departure from the development plan and is not a proposal within the 'major' category in terms of the hierarchy of development, so that a hearing would be required on that basis.

### **National Planning Policy and Guidance**

SPP expresses a presumption in favour of development which contributes to sustainable development. It emphasises that need to secure protection of heritage assets.

Para 29 states that decisions should be guided by the following principles:-

- making efficient use of existing capacities of land, buildings and infrastructure;
- protecting and enhancing cultural heritage, including the historic environment;
- protecting and enhancing natural heritage, including green infrastructure, landscape and the wider environment;

Para. 76 states *"In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements."*

### **Aberdeen Local Development Plan (2017)**

NE1: Green Space Network

NE2: Green Belt

NE6: Flooding, Drainage and Water Quality  
D2: Landscape  
D4: Historic Environment  
R2: Degraded and Contaminated Land  
T5: Noise  
T2: Managing the Transport Impact of Development

### **Supplementary Guidance and Technical Advice Notes**

HES managing change guidance regarding setting.

### **Other Material Considerations**

The planning history of the site is of particular relevance.

## **EVALUATION**

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### **Principle of Development**

The proposal does not fall within the categories of development identified within local development plan green belt policy and it is considered that the proposed use is one which is preferred to be located within the urban area, or planned areas of industrial use. It would therefore conflict with policy NE2. However, there are particular circumstances (namely the degraded, unrestored nature of the site; the historic existence of previous non-conforming industrial use and the contained nature of the quarry floor, such that activity within it is not significantly visible), all of which are relevant material considerations in terms of assessment of the proposal.

As such, and notwithstanding the green belt location of the site, it remains in a degraded / unrestored condition such that it currently detracts from the landscape value of the green belt, with no likely prospect of or planning requirement for the land to be restored, whether through: landscaping, for agriculture or other countryside uses. The upper (southern) part of the site is particularly visible on approach to the Chapel of St Fergus / associated graveyard from Pitmedden Road. The use of the site for industrial purposes has seen: planning permission granted in 1971; the certificate of lawfulness granted in 2002; and by the 2002 appeal decision. Notwithstanding that there is an element of uncertainty as to whether industrial use of the site has been abandoned and as such may be no longer lawful, the historic authorised use for industrial purposes is a significant material consideration which weighs in favour of this application. No physical extension of the extent of the site which was previously authorised / developed is proposed and no new buildings are proposed, other than small temporary buildings. As the site has previously been developed and used for industrial purposes, with the main part of the former quarry floor well screened from its surroundings, its use for storage would not result in suburbanisation / adverse landscape impact in conflict with SPP paragraph 76. The proposal would also make use of redundant industrial land / buildings in accordance with the objectives of SPP paragraph 29. Neither would there would be no adverse impact on cultural heritage, as is discussed below. Otherwise the proposal would result in enhancement of natural heritage by providing enhanced green infrastructure and landscaping improvements on site. These impacts on natural heritage are also considered further below.

### **Natural Heritage Impact**

The extent to which the proposal complies with NE1 policy is a matter of judgement. Given that the site is degraded and unrestored former industrial land, it is not considered to contribute positively to the landscape character or wildlife / recreational value of the green belt / green space area. The site contains no designated features or landscape assets (e.g. mature trees) and the Ecological Survey identifies no adverse impacts on protected species / habitats. The report does however identify the presence of Japanese Knotweed on parts of the site / adjacent land, and the eradication of this alien species is a desirable objective and is recommended by the survey report. Approval of the development would enhance the landscape and wildlife value of the site by

securing restoration of a derelict / unsightly area at the southern edge of the site and enhanced soft landscaping measures, in accordance with the objectives of policy D2 and R2. Overall it is considered that such enhancements accord with the objectives of both NE1 and NE2, such that any tension with NE2 would not justify refusal.

### **Impact on Cultural Heritage / Historic Heritage Assets**

As noted above, the main part of the site, where the proposed activity would take place is well screened. It would not be intervisible with the Chapel of St Fergus, some 500m to the north, a scheduled ancient monument (SAM) and the associated cemetery, which affords elevated views over the River Don. Similarly the site is not intervisible with listed buildings at Crook of Don (approx. 480m north). Additionally no significant physical works are proposed and existing derelict land at the quarry edge would be landscaped. The elevated southern part is potentially intervisible with: Liddel's Monument (a Category A listed building some 800m north-west), the Chapel of St Fergus, and the remains of the Aberdeenshire Canal (a SAM located 100m to the south). However, no operational development is proposed there. The application has also been amended to propose removal of existing hardstanding / proposed car parking in this area and to introduce soft landscaping works. Such works would enhance the visual appearance and setting of this most visible part of site. It is therefore considered that the impact of the development on the setting of these features would be positive and does not warrant refusal of the application. Subject to imposition of a condition requiring the proposed landscaping there is considered to be no conflict with SPP, in relation to the historic environment, nor local plan policy D4.

### **Traffic Impact / Generation**

The proposed access is the same as that which was used when the site was in industrial use and leads to Pitmedden Road over the railway line. That section being shared with other properties, including an existing authorised industrial use (i.e. the concrete batching plant located to the south-west), so that HGV traffic is already present in the area and appears to operate without any evidence of a significant road safety impact, notwithstanding its poor standard. The Traffic Statement indicates that, given the existing / historic uses, there would be no significant increase in traffic that would warrant refusal. These findings were however originally queried by ACC roads officers, but a revised statement identifies mitigation measures (e.g. resurfacing and signage/ lining at the Pitmedden Road junction) and these are considered adequate. A suspensive condition can be imposed to require implementation of such work prior to implementation of the proposed use. The proposal has also been amended to delete car parking in the southern area, which could have resulted in a potential road safety hazard due to the proximity to / junction with the private access road.

The site lies well out with the built up area and is within an area poorly served by public transport, so that it is unlikely that use of alternative transport modes would be significant and as such there would be a degree of conflict with policy T2. However, given that the previous authorised use of the site as industrial land would have resulted in similar traffic patterns / generation, and applying a proportionate approach, this policy conflict is not considered to warrant refusal.

### **Noise Impact**

Notwithstanding the presence of residential premises close to the site (e.g. Tillybrig Cottage on Pitmedden Road, and other houses to the north of the site), the noise impact assessment indicates that noise generation within the site would not result in significant adverse impact thereto. The Council's Environmental Health consultee do not dispute these findings. Thus, and given that no movement of traffic would take place outwith normal business hours (in contrast with the previously proposed use of the site as airport car parking, which was refused on amenity grounds), it is considered that there would be no undue noise impact on residential amenity related to traffic movement resulting from the use. It is therefore considered that there is no conflict with policy T5 and related guidance, subject to imposition of a condition requiring noise mitigation measures / restricting the hours of operation.

## **Flooding**

Notwithstanding that the site is known to have previously suffered from flooding due to surface water, a flood risk assessment has been submitted and the Council's Flooding Team do not consider that there is any basis for refusal of the application on flood risk grounds. Subject to imposition of a condition requiring implementation of drainage measures, as recommended in the drainage statement and flood risk assessment, there would therefore be no insurmountable conflict with policy NE6. As no significant physical development (e.g. new buildings / houses) is proposed, consultation with SEPA on flood risk grounds is not required.

## **Contamination**

Notwithstanding that there is a risk that the site is potentially contaminated, due to its previous industrial use, the proposed end use is not considered to be significantly sensitive, all such that the proposal accords with the policy R2. ACC's contamination experts agree with this analysis. As no significant physical development is proposed, imposition of conditions relating to contamination / remediation is not warranted.

## **Infrastructural Constraints**

Consultation with various consultees has not identified any conflict with the operation of existing facilities / infrastructure nearby (e.g. Aberdeen Airport, Oil / Gas pipelines and the high voltage electricity grid) or public safety risk that would warrant refusal of the application.

## **Economic Impact**

It is accepted that the proposed use results in a degree of employment generation, as no active use of the site is currently taking place and it is in a poor visual condition. However, it is considered that the limited employment associated with the use is not such that this requires to be afforded significant weight as a material consideration, particularly given the existence of available land elsewhere in the Aberdeen area with authorised industrial / storage use in preferred locations (e.g. designated industrial sites). Although the applicant's supporting commercial report / planning statement claims that no such sites are available at an economic cost that would be viable for the proposed use, it is not considered that this in itself justifies approval of the proposal, given: the limited evidence provided; that other plant hire businesses appear to operate successfully in designated industrial estates within Aberdeen; and that there is continued suppressed competition from oil related businesses for such allocated / authorised sites.

## **Other Matters Raised in Representation**

It has been established that the neighbour notification has been undertaken in accordance with statutory requirements.

## **Conclusion**

The environmental benefits afforded by the proposal, in terms of landscape improvement of the green space network and improvement of the site's physical and visual condition accords with the objective of policies: D2 (Landscape), D4 (Historic Environment), R2 (Degraded and Contaminated Land) and NE1 (Green Space Network), and outweighs any tension with policy NE2 (Green Belt), within the adopted Aberdeen Local Development Plan. The reasons for refusal of the previous application in 2010 have been addressed by the current proposal and conditions can be used to ensure compliance with other technical issues.

## **Time Period**

Extension of the time period for determination of the application has been agreed with the agent until 29/09/18 due to the need for submission of additional supporting information and amendment of the proposal

## RECOMMENDATION

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Approve Conditionally

## REASON FOR RECOMMENDATION

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The environmental benefits afforded by the proposal, in terms of landscape improvement of the green space network and improvement of the site's physical and visual condition accords with the objective of policies: D2 (Landscape), D4: (Historic Environment), R2 ( Degraded and Contaminated Land) and NE1(Green Space Network), and outweighs any tension with policy NE2 (Green Belt), within the adopted Aberdeen Local Development Plan. The proposal would accord with SPP in terms of: making efficient use of existing capacities of land / buildings and infrastructure; protecting and enhancing cultural heritage, including the historic environment (HES managing change guidance regarding setting); and protecting and enhancing natural heritage. The detailed technical issues raised by the proposal (e.g. noise / traffic / visual impact / flood risk) can be addressed by condition, such that it would accord with policies T5 ( Noise), T2 (Managing the Transport Impact of Development) and, NE6 ( Flooding, Drainage and Water Quality) and do not warrant refusal. The reasons for refusal of the previous application in 2010 have been addressed by the current proposal.

## CONDITIONS

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### 1. Landscaping

All soft landscaping proposals shall be carried out in accordance with the approved landscaping plan (ref. MOD-1808-LS, dated 21/8/18) and shall be completed during the planting season immediately following the commencement of the hereby approved use, 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.

Reason - To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape, preserve the setting of nearby heritage assets and enhance the visual amenity and biodiversity value of the green space network.

### 2. Limit of extent of class 6 use

Notwithstanding the extent of the red line boundary of the site hereby approved, the extent of class 6 use hereby approved shall be limited to the existing hardstanding area within the former quarry floor (as indicated on drawing ref. 124964/001 rev D). No storage of materials or other development / associated use (e.g. use as car / vehicle parking) shall take place on the hardstanding area at the southern part of the site, or on the sloped edges of the quarry, which is that land indicated to be laid out as soft landscaping and thereafter preserved as open space free from development in accordance with the approved landscape plan (ref. MOD-1808-LS, dated 21/08/18).

Reason – To ensure that the environmental improvement benefits of the proposal are delivered in the long term and in order to prevent the creation of a road safety hazard due to traffic movement at a potentially hazardous junction.



### **3. Road Access Works**

The use hereby approved shall not take place unless all improvement works to the site access and junction with Pitmedden road, as identified on hereby approved drawing ref. 124964-1010 (dated 21/08/18), have been implemented in full, unless the planning authority has given prior written approval for a variation.

Reason - In the interests of road safety and the free flow of traffic.

### **4. Noise Attenuation**

The use hereby approved shall not take place unless all noise attenuation measures identified by the approved noise impact assessment (ref. R18.9964/3/AF, dated 19/07/18) have been implemented in full, unless the planning authority has given prior written approval for a variation. No active use of the site for class 6 or other ancillary purposes shall take place outwith the hours from 7am until 7pm on any day, unless the planning authority has given prior written approval for a variation of these operating hours. For the avoidance of doubt, no deliveries to / from the site, or movement of plant / machinery / vehicles stored on site / associated servicing / maintenance within the site shall take place outwith the above specified hours.

Reason - In order to prevent any adverse impacts on the amenity of residents in the surrounding area.

### **5. SUDS**

The use hereby approved shall not take place unless the recommendations of the submitted Drainage Statement issue 4 (dated July 18) have been implemented in full, unless alternative measures are agreed in writing by the planning authority.

Reason - In order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

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