Infrastructure Services Committee – 9 May 2013

Reference Number: G/APP/2013/0170

Planning Permission in Principle for Commercial / Employment Development (Use Classes 4, 5 and 6) at Inverurie Mills, Mill Road, Port Elphinstone, Inverurie

Applicant: Kirkwood Homes Investment Ltd, Per Agent
Agent: Ryden LLP, 25 Albyn Place, Aberdeen

Grid Ref: NO/NJ 378199.4 819629.4
Ward No. and Name: EWW10 West Garioch
Application Type: Planning Permission in Principle
Representations: 0
Consultations: 11
Relevant Proposals Map: Local Plan
Designations: Countryside
Complies with Development Plan: No
Main Recommendation: Delegated Grant

1. Reason for Report

1.1 The above proposal is referred to the Infrastructure Services Committee in accordance with the standing orders of the Council for consideration of an application which the Garioch Area Committee is minded to approve as a departure from the Local Plan.

2. Principal Planning Issues (Summary)

2.1 The principal planning issues associated with this report relate to; the principle of the development, transportation issues, amenity issues and landscape issues.

2.2 In planning policy terms the application site lies in the countryside, albeit abutting the settlement boundary for Inverurie and Port Elphinstone. The application site also abuts the BUS9 allocation in the Aberdeenshire Local Development Plan (LDP). Further discussion on the policy aspects of the proposal are contained in Appendix 2 of this report. The Planning Service is supportive of the principle of the development as this would increase the economic competitiveness in the Inverurie area. The support for the proposal would also be balanced by the removal of part of the BUS9 site from business/employment uses. This land to be removed is at risk of flooding and is not considered to be economically viable to develop.
2.3 In transportation terms the Transportation Service are in a position to support the application subject to a limit being imposed (through a Section 75 legal agreement) that the overall floor area of the BUS9 site and the application site does not exceed that approved in a recent Certificate of Lawful Use (CLEUD). Again, further discussion on this is contained in Appendix 2 of this report.

2.4 With respect to amenity the nearest noise sensitive properties are circa 50m from the north western extreme of the site. Infrastructure Services (Environmental Health) are satisfied that appropriate conditions can be imposed to protect amenity in this regard. Likewise from a landscape point of view the Planning Service is satisfied that the development can be integrated into the landscape successfully.

3. **Representations (Summary)**

3.1 No representations have been received.

4. **Area Committee Decision (Summary)**

4.1 At their meeting of 23 April 2013 the Garioch Area Committee agreed to refer the application to the Infrastructure Services Committee with their unanimous support for the application.

4.2 The following documents are attached as appendices to this report:

| Appendix 1A: | Location Plan |
| Appendix 1B: | Site Plan |
| Appendix 2: | Copy of the Garioch Area Committee Report of 23 April 2013 |
| Appendix 3: | Extract of Minute of the Garioch Area Committee meeting of 23 April 2013 |

5. **Officers’ Recommendation**

5.1 **That Authority to GRANT Planning Permission in Principle be delegated to the Head of Planning and Building Standards subject to:**

a) the conclusion of a s75 legal agreement to limit floor space across the BUS9 and application sites,

b) the conclusion of a s75 legal agreement to ensure that the southern part of the existing BUS9 site is removed from employment use and retained as a landscaped area and

c) the following conditions:-

1. That the development hereby granted shall not be begun until all matters specified in conditions that require further approval have been approved by the Planning Authority. Application for approval of any such matters specified in conditions must be made before whichever is the latest of the following:

   (a) the expiration of three years beginning with the date of the planning permission in principle, or, if later,
(b) the expiration of six months from the date on which an earlier application for the requisite approval was refused or dismissed following an appeal or review.

In relation to any matter, only one application for approval of matters specified in conditions may be made after the expiration of three years from the date of the planning permission in principle.


2. That the development hereby granted shall be begun before the expiration of two years from the final approval of the matters specified in conditions or, in the case of approval on different dates, the final approval of the last such matters to be approved.


3. That no development in connection with the planning permission hereby approved shall take place unless full details relating to the following matters have been submitted to and approved in writing by the Planning Authority;

a) Full details of the layout and siting of the proposed development
b) Full details of the external appearance and finishing materials of the proposed development
c) Full details of all existing and proposed landscape features, including trees to be retained and planted (specifically the block of trees to the north) and tree protection measures for these features
d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point
e) Full details of the proposed means of disposal of foul and surface water from the development
f) Full details of the proposed means of access to the development, including the required visibility splays
g) Full details of the proposed car parking/vehicle turning area for the development. Parking shall be in accordance with Council standards
h) Full details of all waste management proposals to include arrangements for the segregation, storage, collection and management of commercial, industrial and business waste

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997.

4. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 the land and any buildings subsequently erected within the area cross hatched on plan P-000-11C shall be used only for purposes
within Use Classes 4 or 6 and shall not be used for any other purpose without an express grant of planning permission from the Planning Authority.

Reason: in the interests of preserving the amenity of residents of Crichie Circle.

5. No development within the site shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and agreed, in writing by, the Planning Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council.

Reason: To safeguard and record the archaeological potential of the area.

6. That finished floor levels for the development hereby approved shall be set at a minimum level of 53.50mAOD.

Reason: In the interests of minimising flood risk within the locality.

7. Prior to the commencement of any works on site a detailed scheme for surface water drainage shall be submitted to and agreed by the Planning Authority, in consultation with SEPA. The scheme shall detail 2 levels of sustainable drainage SUDS treatment for all commercial sites and 3 levels for run off from any industrial (Class 5) sites and all work shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate protection of the water environment from surface water run-off.

8. That no development shall commence on site until site specific Construction Environmental Management Plan has been submitted and approved in writing by the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the environment is adequately protected.

9. That no development in connection with the permission hereby approved shall take place unless a finalised Energy Statement has been submitted to and approved in writing by the Planning Authority, including the following items:

   (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.

   (ii) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed,
will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out in accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

10. No development shall commence until full details of all proposed cycle parking provision have been submitted to and approved in writing by the Planning Service. No building subsequently approved shall be first occupied until the approved cycle provision has been made in its entirety and shall thereafter be retained.

Reason: In the interest of sustainable travel.

11. Prior to the first occupation of any building a draft Travel Plan shall be submitted to and approved, in writing by the Planning Service.

Reason: To provide sustainable travel.

12. Within 6 months of the first occupation of any building a finalised Travel Plan shall be submitted to and approved, in writing, by the Planning Service.

Reason: To provide sustainable travel.

Stephen Archer
Director of Infrastructure Services
Author of Report: Darren Ross DR1/
24/04/2013
APPENDIX 2

Garioch Area Committee Report - 23 April 2013

Reference No: APP/2013/0170

Planning Permission in Principle for Commercial/Employment Development (Use Classes 4, 5 and 6) at Inverurie Mills, Mill Road, Port Elphinstone, Inverurie

Applicant: Kirkwood Homes Investment Ltd Per Agent
Agent: Ryden LLP, 25 Albyn Place, Aberdeen

Grid Ref: 378199.4 819629.4
Ward No. and Name: W10 West Garioch
Application Type: Planning Permission in Principle
Representations: 0
Consultations: 11
Relevant Proposals Map: Local Plan
Designations: Countryside
Complies with Development Plans: No
Main Recommendation: Refer to ISC
1. **Reason for Report**

1.1 This report relates to a planning application for a Major Development which would represent a Development Plan Departure thus Members require to agree referral to the Infrastructure Services Committee.

2. **Background and Proposal**

2.1 Planning permission in principle is sought for the development of class 4, 5 and 6 uses on land currently in agricultural use. The application site consists of approximately 3.8ha of land.

2.2 The application site is bound to the west by the main railway line; beyond which lies an area of open space which hosts a number of standing stones and artifacts of archaeological interest. To the north west of the site lies a residential development centred around Crichie Circle.

2.3 To the immediate north of the site lies an area of open space which is within the control of the applicant. Beyond this area lies a cross junction of footpaths. To the east the path leads to the mill entrance. To the north the path leads to the foreground of the Don whilst to the south the path leads to, and over, the railway bridge linking onto Mill Road and beyond. To the west the path runs past recently approved housing and into Port Elphinstone.

2.4 To the east of the site lies further agricultural land beyond which lies the Mill Lade and the River Don.

2.5 To the immediate south of the application site lies the built up area of the former Paper Mill. This site was recently subject to a Certificate of Lawful Use (CLEUD) which confirmed that, at the time of issuing, the site (or parts of) had lawful uses falling within Use Classes 4,5 or 6.

2.6 The Paper Mill site (including land to the immediate south as shown on Appendix 1) is shown as BUS 9 in the Aberdeenshire Local Development Plan (LDP) 2012. This BUS 9 allocation extends to some 20 hectares of thereabouts. It is worth noting that to the south of the “built up” area of the complex an area of approximately 3.1 hectares has been shown to be at greater risk of flooding and is, therefore, not considered by the applicant to be economically viable to develop.

2.7 Notwithstanding this the actual application site is not allocated for development and, in policy terms, is within the countryside.

2.8 The application has been supplemented by a number of documents and assessments. These are:

- Economic Impact Assessment
- Drainage Statement
- Flood Risk Assessment
- Geo Interpretative Report
- Habitat Survey
- Noise Impact Assessment
- Planning Statement
- Pre-application Consultation Report
- Transport Statement
2.9 No amendments to the application have been received. It is, however, worth noting that the site plan submitted with the application is indicative only.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 Corporate Services (Planning Gain) has prepared a package of developer contributions in the event of planning permission being granted.

4.2 Infrastructure Services (Archaeology) requests a condition relating to an archaeological scheme of works is attached to any permission.

4.3 Infrastructure Services (Economic Development) commented that the principle of the development is strongly supported as it fits in with the Council’s Strategy 2011-2016 which aims to create conditions for sustainable growth.

4.4 Infrastructure Services (Environmental Health) does not object to the proposal subject to conditions being imposed.

4.5 Infrastructure Services (Flood Prevention) is satisfied with the measures proposed to deal with surface water drainage and the level of flood risk associated with the development.

4.6 Infrastructure Services (Roads Development) has no comments to make at this stage.

4.7 Infrastructure Services (Transportation) does not object to the proposal on the basis that a mechanism is put in place to ensure that the overall footplate of development within the BUS 9 site and the application site does not exceed the floor areas committed by the CLEUD.

4.8 Scottish Water does not object to the proposal but advises that the local infrastructure may have capacity to supply any new development.

4.9 SEPA does not object to the proposals subject to conditions being attached. SEPA go onto comment that the southern part of the BUS 9 allocation is at medium to high risk of flooding. SEPA suggest that to develop in this southern part of the allocation would require land raising to mitigate against flood risk. It is commented that it is unclear whether there is sufficient land within the site to accommodate such compensatory flood storage.

4.10 Transport Scotland currently has a holding objection in place.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The
planning system must also provide protection from inappropriate development. Its primary objectives are:
- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Structure Plan

The purpose of this Structure Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Structure Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region’s built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

5.3 Aberdeenshire Local Development Plan 2012

Policy 1: Business Development
Policy 3: Development in the Countryside
SG Rural Development 1: Housing and business development in the countryside

Policy 8: Layout, siting and design of new development
SG LSD2: Layout, siting and design of new development
SG: LSD5: Public open space
SG: LSD8: Flooding and erosion

Policy 9: Developer Contributions
SG Developer Contributions 1: Developer Contributions
SG Developer Contributions 2: Access to new development

Policy 14: Safeguarding of resources and areas of search
SG: Safeguarding 3: Protection and conservation of trees and woodland

5.4 Other Material Considerations

APP/2011/3333 – Certificate of Lawful Use at former Paper Mill
6. Discussion

6.1 Planning permission in principle is sought for class 4, 5 and 6 development on approximately 3.8ha of agricultural land abutting but outwith the settlement boundary for Inverurie and Port Elphinstone. The application site is, therefore, in the countryside.

6.2 The site is as described above. The key planning issues associated with the application are

- The policy background
- The principle of the development (including wider site history)
- Transportation issues
- Economic development issues
- Landscape, amenity and flooding issues

Policy setting and assessment of principle of the development

6.3 Firstly, and from a planning policy perspective, it is necessary to consider the strategic and local planning policy landscape relative to the application.

6.4 In terms of the Aberdeen City and Shire Structure Plan 2009 the wider area around the application site is contained within the Blackburn to Inverurie Strategic Growth Area. In this regard it is important to examine the aims of the Structure Plan.

6.5 The key aims are identified as being

- Providing a strong framework for investment decisions helping to grow and diversify the economy
- Providing sufficient population, homes and jobs.
- Creating sustainable mixed communities and the associated infrastructure
- Making the most efficient use of the transport network

6.6 With regard to economic objectives the Structure Plan notes that, subject to the proviso of addressing infrastructure requirements, opportunities should be provided to encourage economic development and employment creation in a range of areas.

6.7 In terms of employment land allocations the Structure Plan sets targets for employment land allocations which are manifest through the LDP. All development is, however, recognised as requiring to be sustainably located, reducing the need to use private cars and encouraging less private car transport.

6.8 It is considered that, at a broad and strategic level, the proposal accords with the principles and aims of the Structure Plan.

6.9 The ALDP reflects the Structure Plan “on the ground” through the land allocations and designations. Appendix 2 shows the employment land allocations in the Inverurie area as contained in the ALDP. It is worth noting that these allocations take 2 forms. Firstly “new” allocations which, taken together, amount to 32.5ha. This is in excess of the 32ha target set in the ALDP. The second form is that of “carry over” sites from the previous plan.
Included within these “carry over” sites is the wider area around the former International Paper Mill (BUS 9).

6.10 ALDP policies require, at a strategic level, a Development Framework to be progressed and to include site BUS 9. This Development Framework has been completed and was approved at the Garioch Area Committee on 5 February 2013. Clearly the application site does not include site BUS 9 and, therefore, the proposal could be seen to conflict with this policy. Further discussion on this aspect is detailed at para 6.19 – 6.21 below.

6.11 With respect to ALDP policies the proposal is clearly a departure from the plan. The application site is defined as being in the countryside where the employment opportunities allowed by the ALDP policies are limited to redeveloping previously used land, restoration/conversion of a vernacular building or development required for agriculture, forestry or horticulture etc.

6.12 Therefore the proposal does not accord with policy, but legislation requires “other material considerations” to be considered in decision making. In this regard it is worth having specific regard to the wider BUS 9 allocations and, in particular, the lawful uses permitted on the site of the former Paper Mill site.

6.13 The southern part of the BUS 9 site is recognised as being seriously constrained and within the SEPA 1:200 year flood risk area. SEPA has confirmed through its consultation response that this southern section of the site would require land raising to mitigate against flood risk and that, at this stage, it is unclear whether there is sufficient land within the site to accommodate such compensatory storage.

6.14 The BUS 9 site is not accounted for in the 32.5ha of allocated land (“new allocations”) referred to in paragraph 6.9 above. As such it could be argued that having an allocated area of 3.1ha of business land constrained as it is by potential flood risk is not a particularly attractive incentive for new and incoming businesses.

6.15 The applicant has suggested that in the event of this application being approved it would be amenable to having this 3.1ha of land taken out of business land allocation and given over as amenity land to be developed to a standard required by the Council and maintained by the developer. This, if acceptable, would be secured by a s75 legal agreement.

6.16 In broad terms this “swap” would be acceptable to the Planning Service in as much as the overall level of business land would remain roughly similar to that allocated in the LDP – albeit with some localised “swapping”. It is the view of the Service that this “swap” would maintain the broad level of employment land in the locality, would go towards meeting the employment objectives of the Development Plan and would assist in the future growth of the area.

Wider Site History

6.17 Members will be aware that there has been employment uses at the former International Paper Mill for a considerable amount of time. In 2011 the owners of the site applied to the Council for a Certificate of Lawful Use at the site. This certificate, the decision on which is formed on fact and degree, confirmed that a number of areas within the Mill site were lawful for a variety of reasons. The overall conclusion on this is that:
3,438.00m² of Class 4 Use was considered lawful at the time of the certificate
25,852.10m² of Class 5 Use was considered lawful at the time of the certificate
34,043.15m² of Class 6 Use was considered lawful at the time of the certificate

Appendix 3 demonstrates the areas pertaining to these uses.

6.18 The implication of this CLEUD is that, in effect, 64,000m², or thereby, of development is committed in terms of lawful uses and thus associated transport impact. In planning terms the main implication is that, without planning permission, users within these Use Classes could occupy any building with a lawful use within the same Use Class. Equally permitted development rights would, potentially, allow for the extension of these buildings or the “moving” within classes without permission. For instance Class 5 or 6 buildings and land could be utilised for Class 4 purposes without planning permission. Likewise there could be limited movement from Class 4 or 5 to Class 6 (subject to a limit of 235m² floor area).

Transportation issues & Development Framework

6.19 With respect to the Development Framework approved at the Garioch Area Committee on 5 February 2013 it is noted that this framework is a material consideration when applying policy SG LSD2 and policy SG3 of the ALDP to sites including BUS 9. As previously mentioned the application site is outwith the parameters of BUS 9 allocation. This, however, does not preclude the application of the principles of the approved framework in light of the favourable consideration of the principle of this application.

6.20 The framework is reflective of Transport Scotland and Aberdeenshire Council’s preferred location for a proposed Grade Separated Interchange (GSI) at the south of Inverurie, which is proposed to replace the Port Elphinstone and Thainstone roundabouts. The primary focus of the framework is to identify the location of the proposed GSI which is required to form the access to sites H1 and E1. The GSI will also help to relieve the high levels of congestion around the Port Elphinstone and Thainstone roundabouts, as well as providing further transport capacity to allow more development at Thainstone and other existing employment sites in this area.

6.21 In principle, therefore, the GSI would be a technical requirement to allow the Inverurie South area to continue to grow. All things being equal, therefore, one would expect developments such as this proposal to make a fair and reasonable contribution towards this essential infrastructure.

6.22 Notwithstanding the transportation requirements of the other sites within proximity, and as detailed elsewhere in this report, the former International Paper Mill has a Certificate of Lawful Existing Use of Development (CLEUD) confirming that a number of structures/areas within the site are lawful within either Class 4, 5 or 6 as indicated in the Schedule. Therefore one must take the “committed” floor space of 74,000 m² into account when considering both the transport impact of the development and any necessary mitigation. Extensive discussions have taken place with the Transportation Service, Transport Scotland and the Planning Service in this regard and have arrived
at the overarching conclusion that, providing no greater volume of traffic is generated from the existing International Paper site plus the application site than could be generated from the site granted the CLEUD then the application is acceptable in transportation terms.

6.23 Further to the above and in order to facilitate this the applicant would be required to enter into a legal agreement to limit the scope of the development granted by the CLEUD. In simple terms providing that the application site plus the International Paper Mill site floor areas do not exceed those approved in the CLEUD then the traffic implications would be considered acceptable. Any legal agreement would effectively limit the following:

a. The overall development of the wider site (including the application site and the former International Paper site) to no more than 74,000 m² of floor area
b. The proportion of the floor area to replicate that in the CLEUD

6.24 Any subsequent application which brought the overall floor area in excess of this agreed figure would require a fresh planning application and, without prejudice, would require to make fair and reasonable contributions to essential infrastructure.

Economic Development Issues

6.25 The applicant has submitted an Economic Impact Appraisal as part of the justification for the proposal. With two caveats this Appraisal is supportive of the application.

6.26 The first caveat is that the overall conclusion does not disaggregate to any great degree between the application site and the wider BUS 9 site. The second caveat, and perhaps at odds with the flooding risk identified in 6.13 above, is that the development of this part of the BUS 9 site would generate employment to the local area.

6.27 With these two caveats the assessment submitted, and considered by Economic Development service, concludes that (in terms of the application site only), the development could lead to an additional 208 gross FTE jobs (129 jobs Net). The difference between “gross” and “net” is, in effect, allowing for leakage and displacement. That is to say jobs which would, in all likelihood, be created in the wider area in any case. The “net” number of jobs is that resulting from the application site alone. Notwithstanding this there are clear economic benefits to the site being developed. It seems clear from the technical aspects relating principally to flooding that the southern part of BUS9 is unlikely to be developed so it may be the case that these “net” jobs may not materialise if the development does not proceed. Maintaining a strong economic base is integral to the Council’s vision.

Landscape, amenity and flooding issues

6.28 The site is not covered by any landscape designations. There are no preserved trees on or around the site and a Habitat Survey has shown that the development of the application site (as opposed to the wider site) will have no wider ecological impacts. The applicant has demonstrated, to the satisfaction of the Planning Service that the development can co-exist without any harm to the belt of trees on the north western boundary of the site or the
trees to the north. Notwithstanding this the plan accompanying the application is indicative only and, if approved, tree protection measures would require to be in place.

6.29 The applicant has also submitted a noise assessment. In terms of amenity the nearest dwellings (at Crichie Circle) are approximately 50m from the edge of the application site. This 50m also encompasses the Aberdeen to Inverness railway line as a barrier and landscaping on either side of this line. The conclusions of the noise report (endorsed by Environmental Health) are sufficient to ensure that noise resulting from the development should not cause any adverse environmental impact in terms of neighbouring amenity. It will, however, be critical to ensure that the class 5 (general industrial) uses are at least 125m from the nearest dwellings. There would be no concerns relating to Class 4 or Class 6 uses in any location within the site.

6.30 As detailed elsewhere in this report the land to the southern part of the BUS 9 site is at “medium to high” risk of flooding. Also, and as noted, the Mill Lade and the River Don are in close proximity to the application site. It is therefore important that a Flood Risk Assessment was undertaken. This FRA has been confirmed as being acceptable subject to mitigation measures which are reflected in the recommendation below and can be attached to any favourable decision.

Conclusion

6.31 Clearly the proposal is a departure from the LDP. However, having regard to the wider site history, the technical difficulties associated with developing the land to the south of the former Inverurie Paper Mill (part of BUS 9) and the mechanisms recommended to ensure that the development entering onto the A96 does not exceed that approved under the CLEUD, it is clear that the overall amount of developable business land would not significantly exceed that allocated in BUS 9. The southern part of BUS 9 equates to circa 3.1ha and the application site is circa 3.8ha. It is clear, therefore, that 0.7ha of additional land will be added to the supply of employment land in Inverurie and the wider area.

6.32 In transportation terms this has potential to have adverse implications for the Trunk Road. It is, therefore, imperative that appropriate mechanisms are in place to ensure that the safety and throughput of traffic on the A96 is not compromised. The proposal has been assessed in terms of additional floor space generated onto the A96 and, with the recommended mechanisms in place, the amount of development entering the Trunk Road will not exceed that lawfully permitted through the CLEUD.

6.33 In terms of strategic implications there is no requirement for a Strategic Transport Fund contribution owing to the mechanisms described in this report to limit development.

6.34 In terms of amenity and wider environmental issues appropriate conditions can be framed to protect the amenity of the nearest noise sensitive dwellings as well as protecting the site – and the wider surrounds – from increased flood risk.

6.35 With all of the above in mind it is considered appropriate to recommend a departure from the LDP for the reasons stated below.
7. **Area Implications**

7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. **Equalities and Financial Implications**

8.1 An equality impact assessment is not required because the granting or refusing of the application will not have a detrimental impact on the protected characteristics of the applicant or any third parties.

8.2 There are no financial implications arising from this report.

9. **Sustainability Implications**

9.1 No separate consideration of the current proposal’s degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. **Departures, Notifications and Referrals**

10.1 **Structure Plan Departures**

   None

10.2 **Local Development Plan Departures**

   Policy 1: Business Development
   SG Bus1: Development of business land
   Policy 3: Development in the countryside
   SG Rural Development 1: Housing and business in the countryside

10.3 The application is a Departure from the valid Development Plan and has been advertised as such. The period for receiving representations has expired.

10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination. This is on the basis that Transport Scotland will remove their objection.

10.5 The application would have to be referred to the Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.
11. Recommendation

11.1 That Members agree that the application be referred to the Infrastructure Services Committee for determination and confirm their support for the application by agreeing that Authority to GRANT Planning Permission in Principle be delegated to the Head of Planning and Building Standards subject to:

a) removal of the outstanding objection from Transport Scotland;
b) the satisfactory conclusion of negotiations regarding developer contributions;
c) conclusion of a legal agreement to ensure that the maximum floor area of development on the combined BUS 9 and application site does not exceed 74,000m$^2$, that the maximum floor areas for Class 4, Class 5 and Class 6 developments is pro-rata to that in the CLEUD and to ensure that the applicant agrees to remove the land to the southern part of the BUS 9 allocation from employment uses and to develop this area as a landscaped area;
d) the appropriate conditions to cover the following matters:

   a. Submission of matters specified in conditions
   b. Noise and environmental protection
   c. Trees and ecology
   d. Archaeology
   e. Flood risk and waste management

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

Whilst this development constitutes employment development in the countryside the overall amount of employment land which can be economically viably delivered would not significantly increase due to the exclusion of the southern part of BUS 9 being taken out of employment use. The traffic generated from the development and that at the former Inverurie Paper Mill would not be materially different to that generated from the former Paper Mill alone due to limitations imposed through the s75 legal agreement.

Stephen Archer
Director of Infrastructure Services
Author of Report: Darren Ross DR1/
09/04/2013
7. PLANNING APPLICATIONS FOR DETERMINATION

The following planning applications were considered along with any valid representations received and were dealt with as recorded in the Appendix B to this Minute.

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<th>Item</th>
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<td>APP/2013/0170</td>
<td>Commercial/Employment Development (use classes 4, 5 and 6) at Inverurie Mills, Mill Road, Port Elphinstone, Inverurie</td>
<td>Refer to (Use Classes ISC</td>
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23 APRIL 2013

APPENDIX B

PLANNING APPLICATIONS FOR DETERMINATION

H. Reference No: APP/2013/0170

Planning Permission in Principle for commercial/employment development (use classes 4, 5 and 6) at Inverurie Mills, Mill Road, Port Elphinstone, Inverurie

Applicant: Kirkwood Homes Investment Ltd Per Agent
Agent: Ryden LLP, 25 Albyn Place, Aberdeen

The Area Planning Officer indicated that the application was a departure from policy as part of the allocated site was a medium to high risk of flooding and was not considered appropriate for development, but that an alternative area of land was proposed as a replacement in order to facilitate the development. He said that this proposal was considered to maintain the intent of the Local development Plan allocation and would not have any greater impact on the trunk road. He confirmed that the proposals were expected to realise up to 208 jobs.

Members welcomed the application and were supportive of the economic development aspects of the proposals, but sought clarification regarding the removal of the part of the allocated site not being developed from the Local Development Plan and the potential impact of the proposals on the stone circle and nearby housing. The Area Planning Officer confirmed that legal officers were working on a legal agreement that would see this area of land removed from development plans for 5-10 years and the land being a dedicated landscape area. He confirmed that the archaeological site was at a higher level and the proposals were considered acceptable by consultees. He confirmed that dwellinghouses in the proximity would be protected through conditions.

The Committee agreed:-

1. the reason for departing from the Aberdeenshire Local Development Plan is that whilst this development constitutes employment development in the countryside the overall amount of employment land which can be economically viably delivered would not significantly increase due to the exclusion of the southern part of BUS 9 being taken out of employment use. The traffic generated from the development and that at the former Inverurie Paper Mill would not be materially different to that generated from the former Paper Mill alone due to limitations imposed through the s75 legal agreement.

The Committee agreed:-

1. the reason for departing from the Aberdeenshire Local Development Plan is that whilst this development constitutes employment development in the countryside the overall amount of employment land which can be economically viably delivered would not significantly increase due to the exclusion of the southern part of BUS 9 being taken out of employment use. The traffic generated from the development and that at the former Inverurie Paper Mill would not be materially different to that generated from the former Paper Mill alone due to limitations imposed through the s75 legal agreement.
2. to refer the application to the Infrastructure Services Committee for determination indicating that the Garioch Area Committee is minded to support the application and recommends that Authority to grant Planning Permission in Principle be delegated to the Head of Planning and Building Standards subject to:

a) removal of the outstanding objection from Transport Scotland;
b) the satisfactory conclusion of negotiations regarding developer contributions;
c) conclusion of a legal agreement to ensure that the maximum floor area of development on the combined BUS 9 and application site does not exceed 74,000m², that the maximum floor areas for Class 4, Class 5 and Class 6 developments is pro-rata to that in the CLEUD and to ensure that the applicant agrees to remove the land to the southern part of the BUS 9 allocation from employment uses and to develop this area as a landscaped area;
d) the appropriate conditions to cover the following matters:

(i) Submission of matters specified in conditions
(ii) Noise and environmental protection
(iii) Trees and ecology
(iv) Archaeology
(v) Flood risk and waste management