

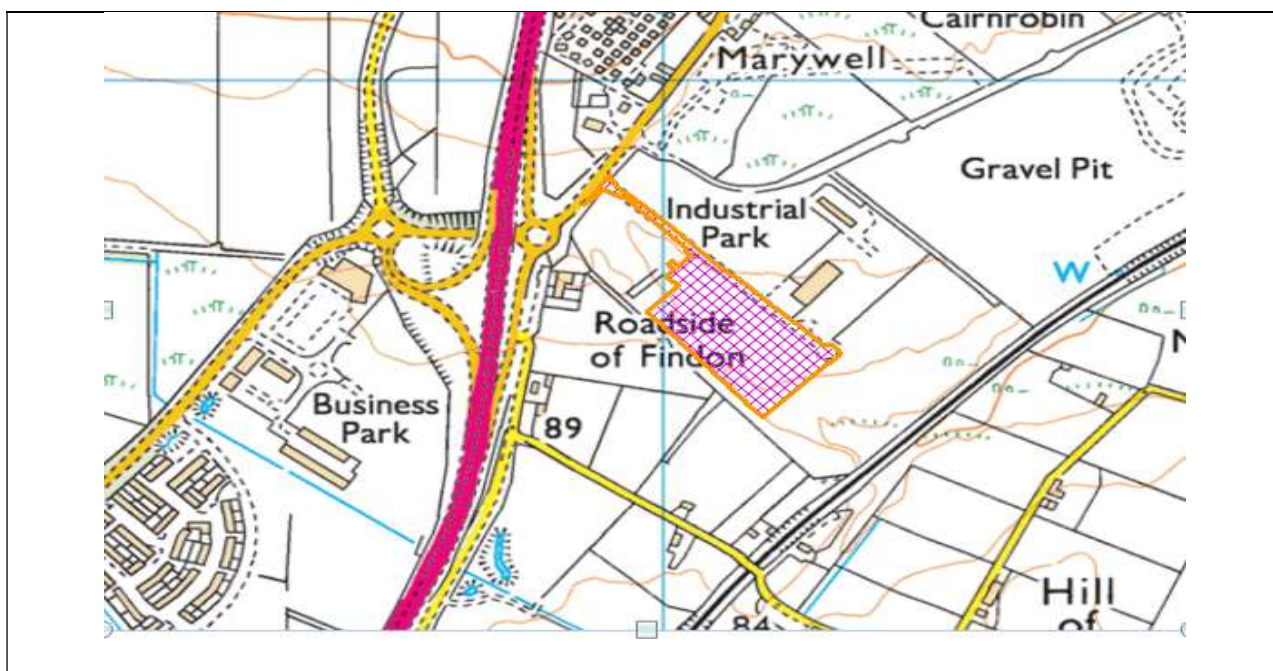


## Kincardine & Mearns Area Committee Report 30 April 2024

Reference No: [APP/2023/1717](#)

**Full Planning Permission For Site Alterations to the Operational Areas Surrounding the Warehouse and Development of the Eastern Part of the Site for the Storage of Operational Vehicles, Including Resurfacing, Amendments to Access and Ancillary Infrastructure at Unit 5, Cairnrobin Way, Portlethen, AB12 4NJ**

<b>Applicant:</b>	<b>Raiths Farm Properties Limited, C/o Agent, Ashley Group Base, Pitmedden Road, Dyce, AB21 0DP</b>
<b>Agent:</b>	<b>DWD LLP, 6 New Bridge Street, London, EC4V 6AB</b>
<b>Grid Ref:</b>	<b>E:393064 N:798660</b>
<b>Ward No. and Name:</b>	<b>W17 - North Kincardine</b>
<b>Application Type:</b>	<b>Full Planning Permission</b>
<b>Representations</b>	<b>0</b>
<b>Consultations</b>	<b>7</b>
<b>Relevant Proposals Map Designations:</b>	<b>Aberdeenshire Local Development Plan 2023 ALDP Allocated Site 'BUS 2'</b>
<b>Complies with Development Plans:</b>	<b>Yes</b>
<b>Main Recommendation</b>	<b>Grant</b>



**NOT TO SCALE**

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## **1. Reason for Report**

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.2.1 of Part 2C Planning Delegations of the Scheme of Governance as the application is for major development.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## **2. Background and Proposal**

- 2.1 This application seeks full planning permission for alterations to the operational surrounding of a warehouse and the development of the eastern part of the site for the storage of operational vehicles including resurfacing, amendments to access and ancillary infrastructure at the Amazon distribution site located at Cairnrobin Way, Portlethen.
- 2.2 The application site is situated within the boundaries of a site safeguarded for business uses in the ALDP 2023 (Site BUS2) and occupies an area of 3.3ha (including the access road) of rough ground and is located within the boundaries of a site that was granted planning permission in principle for the formation of a business park under planning reference APP/2015/0539 and APP/2018/0771. A subsequent permission for approval of matters specified in conditions was granted under planning reference APP/2019/2656 and has been implemented with the construction of a warehouse and associated infrastructure including car parking and access. A proposal of application notice (POAN) was submitted in 2023 and the proposed development was the subject of a 12-week pre-application consultation period.
- 2.3 In the supporting information provided with the application, it is stated that the overall objective of the proposal is to provide sufficient capacity to store all the delivery vans associated with the warehouse in one secure location. The proposal would increase the overall van storage capacity from 153 to 365 spaces. In addition to van storage, 18 motorcycle spaces are proposed. Car parking provision would also be amended as part of the overall site re-configuration. These spaces would include 31 EV charging spaces and an additional 3 disabled spaces.
- 2.4 Ancillary infrastructure would occupy a total area of approximately 105m<sup>2</sup> and include:
  - A DNO kiosk measuring 5.5m wide x 3m deep x 3m high and a substation kiosk measuring 4.5m wide x 4m deep x 3.5m high. Both would be finished in green, glass reinforced plastic. The DNO would have green steel polyester powder coated doors. Both kiosks would be located within the area dedicated to the EV charging points;

- A flat-roofed welfare unit measuring 7.3m wide x 6m deep x 3.6m high finished in dark grey composite flat panels walls, galvanised steel roof and dark grey aluminium flashing;
- A curved-roof smoking shelter measuring 4.1m x 2.1m deep x 2.4m high (at its highest);
- An open-sided cycle shelter measuring 4.9m wide x 2.7m deep x 2.5m high at its highest. It would incorporate 5 'Sheffield style' cycle racks and would have a clear curved roof;
- A small guard hut measuring 1.5m wide x 1.5m deep x 2.5m high. It would be finished in grey metal faced insulated composite flat panel walls with a grey polyester powder coated roof and grey aluminium door and window;
- A large guard hut measuring 6.9m wide x 2m deep x 3m high. It would be finished in grey metal faced insulated composite flat panel walls with a grey plastic-coated galvanised steel powder coated roof and grey aluminium door and windows;
- A winter unit measuring 3.2m wide x 2.2m deep x 2.7m high. It would be finished in brown timber clad walls and a grey plastic-coated galvanised steel powder coated roof, aluminium flashing and metal door.

2.5 The development would be landscaped using a mix of native and ornamental species of trees and shrubs. A native hedgerow (hazel, hawthorn, holly, blackthorn and burnet rose) interspersed with trees (e.g. pine, maple and birch) would be planted along the south and east boundaries of the site. A mix of trees (e.g. pine, birch, rowan, bird cherry) and shrubs (e.g. dogwood, broom, ivy, dog rose, burnet rose, sea buckthorn, hazel) would be planted along Cairnrobin Way and on both sides of the new relocated access. The van storage area would be dissected by a strip of planting incorporating a mix of shrubs (e.g. hawthorn, goat willow, gorse and broom) and trees (e.g. spruce, bird cherry, scots pine, birch). Finally, areas of species-rich grassland are also proposed alongside areas of mix trees and shrubs. The established landscaping located along the south boundary would be incorporated into the overall scheme. The site would be surrounded by a 2.4m high green paladin fence.

2.6 In terms of access, the existing HGV access junction would be closed off and relocated approximately 60m to the east along Cairnrobin Way. Access to the van storage area, welfare unit, smoking and cycle shelters and winter unit would be taken from the turning circle located at the end of Cairnrobin Way via an existing dropped kerb.

2.7 In terms of drainage, surface water would be dealt with via a series of gullies, drains and permeable surfaces draining into the public surface water sewer via an attenuation tank and small detention pond to reduce the flow of water during events of heavy rainfall to prevent flooding and overload of the sewers. The welfare unit would be connected to the foul water sewer. These proposals were put together by an engineering firm with relevant expertise and in compliance with SEPA's guidelines.

### 3. Representations

3.1 No valid letters of representation have been received.

### 4. Consultations

4.1 **Environment and Infrastructure Services (Contaminated Land)** does not object to the application subject to a planning condition seeking details and implementation of gas protection measures.

4.2 **Environment and Infrastructure Services (Environmental Health)** does not object to the application.

4.3 **Environment and Infrastructure Services (Flood Risk and Coast Protection)** does not object to the application subject to a planning condition to ensure that the approved drainage proposals are fully implemented prior to occupancy and subsequent maintenance.

4.4 **Environment and Infrastructure Services (Roads Development)** does not object to the application subject to planning conditions dealing with access geometry and car parking.

#### External

4.5 **Portlethen and District Community Council** has commented that it neither objects to nor supports the application.

4.6 **Scottish Water** has commented that there may be capacity to connect the development to the public water supply infrastructure and that there is sufficient capacity in the wastewater drainage infrastructure to serve the development.

4.7 **Transport Scotland** does not object to the application.

### 5. Relevant Planning Policies

#### 5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and

Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 3: Biodiversity

Policy 14: Design quality and place

Policy 22: Flood risk and water management

Policy 23: Health and Safety

Policy 26: Business and industry

## 5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023, the Aberdeenshire Local Development Plan 2023 was adopted.

Policy B2: Employment and Business Land

Policy P1: Layout, Siting and Design

Policy RD1: Providing Suitable Services

Policy P4: Hazardous and Potentially Polluting Developments and Contaminated Land

## 5.3 Other Material Considerations

*None*

## 6. **Discussion**

The key issues relating to the determination of this application are:

- Development principle;
- Layout, siting and design;
- Technical matters.

### Development principle

- 6.1 The site is allocated for employment uses in the ALDP 2023 and the proposed car parking is associated with the operation of the existing Amazon distribution depot that adjoins the site. Indeed, the purpose of the car park is to safely store the fleet of delivery vans when not in use. As such, it is considered that the principle of the proposal is fully compliant with Policy 26 of NPF4 and Policy B2 of the ALDP 2023 and does not prejudice the purpose of the allocation.

### Layout, siting and design

- 6.2 Policy 14 of NPF4 and Policy P1 of the ALDP 2023 seek to ensure that new development is in keeping with the character of the surrounding area. Most of the proposal would involve the provision of an area dedicated to the storage of delivery vans with the few proposed buildings occupying a total area of 105m<sup>2</sup>. These structures are typical of other buildings located within the

established operation and have a pared back and functional design. The height of the buildings would not exceed 3m and they would be concentrated in one location near the proposed van access, on the outer edge of the application site. The new van storage area would be surrounded by a fence of similar height, colour and construction as the existing security fence. The Planning Service is therefore satisfied that the proposal is fully compliant with planning policy.

- 6.3 Policy 3 of NPF4 and Policy P1 of the ALDP 2023 require development to provide net improvement to local biodiversity. The area included within the application site boundaries has negligible ecological value and the proposed planting would significantly increase the biodiversity and ecological value of the site and surrounding area. All the established planting located along the south boundary of the site would be retained. The Planning Service is therefore satisfied that the proposal is fully compliant with planning policy.
- 6.4 In terms of potential impact on residential amenity, Policy 23 of NPF4 and Policy P4 of the ALDP 2023 presume against development that would raise unacceptable noise issues. A noise impact assessment was carried out to consider the potential impact of the operation of the van storage area on sensitive receptors the closest of which is located 145m to the southwest of the site. The assessment concludes that the impact of the proposal would be negligible. Having reviewed the assessment, Environment and Infrastructure Services (Environmental Health) have advised that they have no objection to the proposal. In terms of potential light pollution, the lights would be directed towards the ground and therefore no light spillage out with the boundaries of the site is likely to occur and affect residential amenity or cause a statutory nuisance. The Planning Service is therefore satisfied that the proposal is fully compliant with planning policy.

#### Technical matters

- 6.5 In terms of drainage Policy 22 of NPF4 and Policy RD1 of the ALDP 2023 require applicants to demonstrate that proposals can be drained in a sustainable manner to avoid flooding (including surface water flooding) and ensure that drainage from the site does not lead to pollution whether within or outwith the application site boundaries. Detailed surface water drainage proposals have been submitted with the application. Surface water run-off from the van storage area would be drained via a series of slot drains. The water would receive a double level of treatment before being discharged into the public surface water sewer. Rainwater would be collected into a crated attenuation tank located under the surface of the van storage area and would discharge into the public sewer at a sustainable rate via a detention pond. The HGV access would be drained through gully drains discharging into the new surface water sewer. The re-designed car parking area would be drained through a system of permeable paving with filter drains. These proposals were reviewed by Environment and Infrastructure Services (Flood Risk and Coast Protection) and were considered to meet the required standards. The welfare unit would be connected to the public sewer. The Planning Service is

satisfied that the proposed drainage would ensure that the site can be drained without causing flooding or pollution in accordance with planning policy.

- 6.6 In terms of access, Policy RD1 of the ALDP 2023 seeks ensure that access to new development is designed to be safe. The HGV access onto Cairnrobin Way is to be relocated further towards the east. Environment and Infrastructure Services (Roads Development) has confirmed that the new junction could be formed in accordance with the required standards but that this would require an amendment to the existing roads construction consent. It also seeks a condition requiring the formation of the visibility splays prior to commencement of any other part of the development. The Planning Service is satisfied that a safe access can be achieved in accordance with planning policy.
- 6.7 In terms of potential contamination, Policy P4 of the ALDP 2023 presumes against development on land known or suspected of contamination unless appropriate site investigations have been undertaken and any remedial action implemented to make the site suitable for use. A site investigation was carried out by a firm with relevant expertise. It identified potential contamination from ground gas and recommends the installation of gas protection measures within new buildings at the site. Environment and Infrastructure Services (Contaminated Land) considered the information and have confirmed that they would have no issues with the proposal providing details of gas protection measures are provided for further approval and implemented prior to occupancy. A condition is recommended to that effect. The Planning Service is therefore satisfied any site contamination can be mitigated in accordance with planning policy.

### Conclusion

- 6.8 In summary, the proposed development is associated with the operation of an existing distribution warehouse and would be located within the boundaries of a site allocated for business and employment uses in the ALDP 2023. The proposal would be in keeping with the character of the site and surrounding area, would provide net biodiversity improvements to the surrounding area and would have no detrimental impact on the amenity of the area including the amenity of surrounding residential properties. As such the proposal is considered fully compliant with all the relevant policies contained within NPF4 and the ALDP 2023 and is therefore recommended for approval.

## **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. Implications and Risk**

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.4 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.

## **9. Departures, Notifications and Referrals**

### **9.1 Development Plan Departures**

None

- 9.2 The application is not a Departure from the valid Development Plan and no departure procedures apply.
- 9.3 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.
- 9.4 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## **10. Recommendation**

### **10.1 GRANT subject to the following conditions:-**

- 01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).



02. No other development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 43 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

03. The development hereby approved shall not be brought into use until off-street parking has been provided within the site in accordance with drawing number 7707-SMR-00-ZZ-DR-A-2003-S4-P7 dated 19/09/2023 and surfaced in hardstanding materials.

Reason: In the interests of road and public safety

04. The development hereby approved shall not come into use until the junction with the prospectively public road and the existing junction alterations have been constructed in full as detailed on drawing number 1007 Rev P dated 06/02/2024 and in accordance with Aberdeenshire Council's Standards.

Reason: In the interests of road and public safety

05. Prior to erection of any of the ancillary buildings shown on drawing 7707-00-2005 External Facilities revision P9, gas protection measures designed in accordance with British Standard 8485:2015 'Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings' shall be submitted for consideration and further written approval by the planning authority.

The development hereby approved shall not be brought into use unless:

- a) the approved gas protection measures have been incorporated into the construction of the proposed [development/building] in accordance with the details shown on the approved drawings and in accordance with British Standard 8485:2015 (Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings); and
- b) the gas protection measures have been inspected and validated in accordance with CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases) and a validation report detailing the findings of the

inspection has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure that adequate gas protection measures are provided in the interests of public safety.

06. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. 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. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

07. The development hereby approved shall not be brought into use unless the proposed surface water drainage system has been provided in accordance with the approved plans and drainage proposals shown in EIRENG Consulting Engineers Drainage Impact and Flood Risk Statement dated 26/05/2023 and as per the proposed drainage layout drawing number 232083-ECE-ZZ-XX-DR-C-5210 Rev. P1. The surface water drainage system shall be permanently retained thereafter by the developers or their successors in accordance with the Drainage Maintenance and Management Plan by EIRENG Consulting Engineers contained within the Drainage Impact and Flood Risk Statement dated 26/05/2023.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

## 10.2 Reason for Decision

The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2023

The planning authority considers that the application is for a development that is in accordance with the Development Plan. The proposed development is associated with the operation of an existing distribution warehouse and would be located within the boundaries of a site allocated for business and employment uses. The proposal would be in keeping with the character of the site and surrounding area and would have no significant impact on the amenity of the area including the amenity of surrounding residential properties. As such the proposal is considered fully compliant with Policy 14: Design quality and place, Policy 23: Health and Safety and Policy 26: Business and industry of National Planning Framework 4 and with Policy B2: Employment and Business Land, Policy P1: Layout, Siting and Design and Policy P4: Hazardous and Potentially Polluting Developments and Contaminated Land of the Aberdeenshire Local Development Plan 2023.

**Alan Wood**  
**Director of Environment and Infrastructure Services**  
**Author of Report: Aude Chaiban**  
**Report Date: 12 April 2024**