Abstract:

This report deals with planning application No 14/00245/FULL for the Proposed Construction of New Warehouse and Office for Mr Graeme Matthew at Plot 14, Brechin Business Park, Brechin. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason(s) and subject to the condition(s) given in Section 9 of this report.

2. INTRODUCTION

2.1 The applicant seeks planning permission for the construction of a new warehouse / manufacturing facility and office at Plot 14, Brechin Business Park, Brechin. Plan

2.2 The application site which measures approximately 1.45 ha is located close to the north western boundary of Brechin Business Park. A strip of landscaping bounds the site to the north and west with the A90 trunk road located further to the north. An existing industrial business (Edzell Engineering) bounds the site to the south with the mutual boundary being delineated by palisade fencing. An existing undeveloped plot within the business park bounds the site to the north east, with other existing businesses located to the south east.

2.3 The proposal involves the erection of a large warehouse / manufacturing facility and an office building. The office buildings are seen as being ancillary to the main manufacturing use and as such the proposed main use of the site would be Class 5: industrial. The main building is to be developed over three phases as shown on the submitted plans. The final phase of the building would have a height of 16.2 metres on the main section which is proposed to house a large crane. The height to the ridge of the other section of the main building is 11 metres. In terms of materials, profiled metal cladding is proposed for the roof and walls coloured Goosewing Grey. The supporting information indicates that the main building is to provide a specialist engineering service company which supports the oil and gas industry by providing expert manufacturing and engineering solutions. The proposed ancillary office building is located to the north of the site and comprises a rectangular plan building with a mono pitch roof. The materials proposed include a mix of glass, composite metal panels and metal technology curtain walls. Details of the specific colour have not been specifically referred to on the plans.

2.4 The application has not been subject of variation.

2.5 The application was subject to normal neighbour notification procedures.

2.6 The application was advertised in the Dundee Courier on 4 April 2014 for the following reasons:

- Neighbouring Land with No Premises
3. RELEVANT PLANNING HISTORY

It should be noted that applications 08/01126/HAZ and 08/01129/FUL approved storage warehouses and hazardous substances consent for plots 12 to 15, Brechin West Business Park. However these permissions have now expired.

4. APPLICANT’S CASE

A statement has been submitted in support of the application. This statement can be summarised as follows:-

The applicant has undertaken pre application discussions with the local authority to try to identify and resolve the constraints on the site.

That Hydrus is a specialist engineering service company supporting the oil and gas industry, currently operating from a site at Eastmill Road, Brechin and offers an extensive range of expert manufacturing services and engineering solutions.

Due to the company’s growth the need has arisen to expand to a bigger purpose built facility to cater for future projects and expansion. The aim is to develop the new site over the next 5-6 years by phasing the development and over the course of the expansion the company proposes to create between 50-70 new jobs including a number of apprenticeships.

The supporting information describes the development proposal, and indicates that the proposal is to create a new site access off the current roundabout at the end of West Road.

With the new development the traffic accessing the site at Eastmill Road will be significantly reduced and this in turn will have a positive impact on reducing the number of HGV / LGVs accessing Brechin Town Centre.

That the built form and proposed land use will enhance the amenities of the area whilst providing a sustainable development with considerable economic resource benefits for the community.

5. CONSULTATIONS

5.1 Scottish Water - There was no response from this consultee at the time of report preparation.

5.2 Angus Council - Flood Prevention - Raised no objections to the proposal in respect of access or traffic safety subject to conditions.

5.3 BEAR Scotland Ltd - There was no response from this consultee at the time of report preparation.

5.4 Angus Council Environmental Health (Forfar) - Initially requested additional information relating to the use of the workshop building and description of the proposed use of the outside yard area. Additional information was submitted and this Service indicated they had no objections subject to conditions being attached restricting noise.

5.5 Shell Oil Co - There was no response from this consultee at the time of report preparation.

5.6 Health & Safety Executive - HSE would not advise against the granting of planning permission.

5.7 Community Council - There was no response from this consultee at the time of report preparation.

5.8 Angus Council - Roads - Raised no objections to the proposal in respect of drainage subject to conditions.

5.9 Aberdeenshire Council Archaeology Service - No objections subject to a condition being attached.
6. LETTERS OF REPRESENTATION

No letters of representation have been received.

7. PLANNING CONSIDERATIONS

7.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

7.2 In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Plan Review (Adopted 2009)

The development plan merits considerable weight in the determination of the proposal. As the application is not of strategic importance the policies of TAYplan are not referred to in this report and the policies of the Angus Local Plan Review form the main basis for the consideration of the proposal. The relevant local plan policies are reproduced at Appendix 1.

7.3 The main issues to be discussed in relation to this application are whether the proposed development accords with relevant local plan policies and whether there are any material considerations to be taken into account.

7.4 The application site is allocated in the ALPR for employment land supply and therefore Policy SC16 applies. Policy SC16 indicates that Angus Council will maintain a supply of employment land within established employment areas and that planning permission will not normally be granted for uses other than Class 4, Class 5 and Class 6. Policy SC16 also states that proposals will require to demonstrate that there is no detrimental impact on the surrounding area.

7.5 The current proposal is described as a warehouse facility (which provides manufacturing services and engineering solutions) and an ancillary office unit and this would be a Class 5 general industrial use within this allocated employment site and would therefore meet the general policy requirements. None of the consultees have raised any concerns regarding amenity subject to conditions to regulate noise. Overall this is considered to be a suitable site for this industrial use and the proposals would comply with the principles of Policy SC16 on this basis.

7.6 The council has prepared a development brief for Brechin Industrial Park and the majority of the application site is identified as being located within Zone 4: ‘General Industrial’ in this brief. Immediately to the south, the application site is bound by the existing business at Edzell Engineering. The development brief states that Zone 4 is flat and exposed to views from the A90 (T) and that principal elevations should be orientated towards the A90 and be limited to two storey in height. It also states that particular attention will be given to the use of colour and materials to ensure that buildings fit within the visual approach to the town.

7.7 It is considered that the height of the proposed building together with the fact that the buildings do not have more than two storeys of accommodation would generally be in compliance with the development brief. The plans indicate that the roof and wall cladding of the main building would be a goosewing grey colour. Whilst grey is generally acceptable, given the relatively large roof area it is considered that the roof should be coloured a darker grey and that this can be addressed by a condition. At Section 6.6 the development brief states that within individual plots developers will be required to provide and maintain additional landscaping in keeping with the main landscaping strategy for the overall park. Whilst no specific details have been provided for landscaping as part of this application it is considered that this could also be addressed by a condition. With regards to boundary treatments, the development brief indicates that for backland areas high specification fencing would be appropriate. Details of boundary treatments have not been submitted as part of the application but again it is considered that a condition should be attached to ensure the specific details of the boundary treatments proposed be agreed. It is acknowledged that there may be a need for some sort of gated access for maintenance purposes to the landscaping area to the north but this would be considered when details of the boundary treatments are submitted.
7.8 Policy S3 of the ALPR indicates that a high quality of design is encouraged in all development proposals. As indicated above the design, scale and materials of the proposed buildings are considered to be compliant with the guidance set out in the development brief and with adjacent buildings. On this basis the proposal is considered to be consistent with Policy S3 of the Angus Local Plan Review in terms of design.

7.9 Policy S6 states that proposals for development should where appropriate have regard to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information. I do not consider that there will be any significant negative impact on residential amenity or on the general amenity of the area. Regulatory, Protective & Prevention Services have reviewed the application and indicated that due to the nature of the business, proposed hours of operation and proximity to residential properties there is potential for noise to cause disturbance to the occupiers of the houses. However it is considered that noise limits can be can be attached to address this. The Roads Service was consulted and offered no objections to the proposal with regards to access and road safety. The Roads Service has not raised any drainage concerns subject to conditions being attached. Scottish Water has been consulted but not raised any comments. As indicated above whilst no specific details of landscaping have been provided a condition is proposed to ensure details are submitted and approved as required in the development brief. It is noted that indicative signage has been shown on the proposals plan but this is not considered as part of the current application and will need to be considered as part of a separate application for advertisement consent if required. Overall I consider that the proposal is consistent with the development principles established under Policy S6.

7.10 Given that part of the site was located within a consultation zone for pipelines, both the Health and Safety Executive (HSE) and relevant pipeline operator have been consulted as required by Policy S5 of the ALPR. HSE responded indicating that it does not appear that the warehouse or office building will contain more than 100 occupants, or more than two occupied storeys and in those circumstances HSE would not advise against the granting of planning permission. The applicant has confirmed that no more than 100 persons will work on site at any time. As such the proposal is considered to comply with Policy S5.

7.11 In conclusion the proposal complies with development plan policy, subject to appropriate planning conditions. There are no material planning considerations that justify refusal of the application contrary to the provisions of the development plan.

8. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant’s freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

9. CONCLUSION

It is recommended that the application be approved for the following reason(s) and subject to the following condition(s).
Reason(s) for Approval:

That the development complies with relevant policies of the development plan and there are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

Conditions:

1. That no development takes place until details of the following have been submitted to and approved in writing by the Planning Authority:
   - a scheme of hard and soft landscaping, including details of all surface finishes and boundary treatments and planting within the site. For the avoidance of doubt the landscaping and boundary treatments should be in accordance with the Angus Council Brechin Industrial Park Development Brief August 1998. The approved scheme shall thereafter be implemented in accordance with the approved plans prior to occupation of the building;
   - detailed plans showing existing and proposed ground levels and proposed floor levels relative to a fixed ordnance datum shall be submitted for the written approval of the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details;
   - a scheme for the disposal of all surface water from buildings and hard standings to a Sustainable Urban Drainage System. Thereafter the scheme shall be fully implemented on construction of the buildings.
   Reason: In order to ensure that the landscaping and boundary enclosures comply with the council’s Development Brief; to verify the acceptability of the ground and floor levels in the interests of the amenity of the area; and to ensure appropriate disposal of surface water.

2. That the roofs of all the proposed buildings shall be coloured merlin grey or other dark colour as agreed in writing by the planning authority.
   Reason: In the interest of visual amenity given the prominent nature of the site.

3. That no works shall take place within the development site 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 by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. 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 Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.
   Reason: To safeguard and record the archaeological potential of the area.

4. That, prior to the use of the warehouse, the verge crossing at the proposed access shall be improved to form a new bellmouth junction with kerbed radii of 10.5 metres and a minimum throat width of 7.3 metres. The verge crossing shall be constructed in accordance with the Angus Council Roads Standards (Type E Junction).
   Reason: To provide a safe and satisfactory access in a timely manner.

5. That, between 2300 and 0700hrs the noise emissions from the proposed development shall not exceed 30dbA 5min Leq and 45dbA Lmax within any bedroom at Dubton farm house, Flat A Dubton Farm and Long Cottage Dubton Farm.
   Reason: In the interest of residential amenity.

6. That, between 0700 and 2300hrs the rating level of noise emissions from the proposed development shall not exceed 55dbA 1 hour Leq at Dubton farm house, Flat A Dubton farm and Long Cottage Dubton farm as measured in accordance with BS4142: Method for rating industrial noise affecting mixed residential and industrial areas.
   Reason: In the interest of residential amenity.

7. That, no burning of waste material shall be carried out on site.
   Reason: In the interests of residential amenity.
NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

P&P/IM/JW

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Date: 30.4.2014
Appendix 1

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

Policy S3 : Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

Policy S5 : Safeguard Areas

Planning permission for development within the consultation zones of notifiable installations, pipelines or hazards will only be granted where the proposal accords with the strategy and policies of this Local Plan and there is no objection by the Health & Safety Executive, Civil Aviation Authority or other relevant statutory agency.

Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

Schedule 1 : Development Principles

Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council’s Roads Standards, and use innovative solutions where possible, including ‘Home Zones’. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.
(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17: Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

(i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.

(j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.

(k) The planting of native hedgerows and tree species is encouraged.

(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

(m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)

(n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)

(p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and/or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)

(r) Development should minimise waste by design and during construction.

Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

Policy SC16: Employment Land Supply

Angus Council will maintain a supply of employment land to which proposals for business and industry will be directed as follows:

- Arbroath, Elliot and Kirkton, (minimum 10 ha);
- Forfar, Orchardbank (minimum 10 ha);
- Montrose, Forties Road and Broomfield (minimum 10 ha);
- Brechin, Business Park (minimum 5 ha);
- Carnoustie (up to 5 ha);
- Kirriemuir (up to 5 ha).

At these locations, and other established employment areas, planning permission will not normally be granted for uses other than Class 4* (business), Class 5* (general industry), and Class 6* (storage and distribution), but may be considered where they are small scale, complementary and ancillary to the existing or proposed use. Development proposals will require to demonstrate there is no detriment to the surrounding amenity.

* As defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997.

TAYplan Strategic Development plan

There are no relevant policies.