

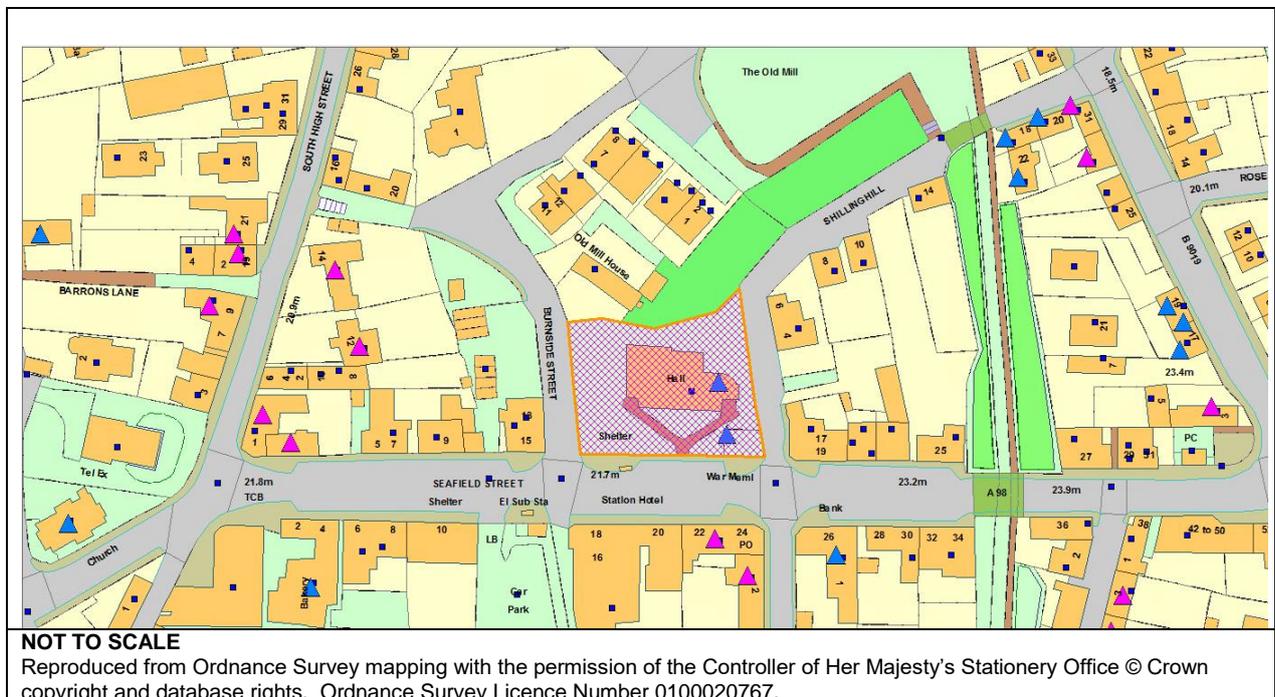
## Banff & Buchan Area Committee Report - 20 August 2019

Reference No: APP/2019/1278

**Full Planning Permission for Widen Access to Form Vehicular Access and Formation of Parking Area (Retrospective) at Fordyce Parish Church Hall, Seafield Street, Portsoy, Aberdeenshire, AB45 2QT**

**Applicant:** Portsoy Church Hall Committee  
**Agent:** Michael Ritchie

**Grid Ref:** E:358931 N:865972  
**Ward No. and Name:** W01 Banff and District  
**Application Type:** Full Planning Permission  
**Representations:** 0  
**Consultations:** 3  
**Relevant Proposals Map:** Aberdeenshire Local Development Plan 2017  
**Designations:** Rural Housing Market Area, Conservation Area  
**Complies with Development Plans:** Yes  
**Main Recommendation:** Grant



## 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.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

- 2.1 This application seeks retrospective Full Planning Permission to widen an existing access in order to form a vehicular access and for the formation of a new parking area within the grounds of the category B listed Seafield Street Church Hall.
- 2.2 The site is located to the immediate north of Seafield Street (also the A98) which forms the main thoroughfare through the town of Portsoy, which takes the form of a traditional high street, defined by traditionally constructed, mixed use development consisting of existing shops, dwellings and other uses. The site is also found within the Portsoy conservation area. A location plan is attached as **Appendix 1**.
- 2.3 An area of land within the western side of the site has been raised and an area of tarmac installed upon it, whilst an entrance pillar found on the southern boundary of the site has been moved in order to be wide enough for cars to gain direct access from Seafield Street in order to use the newly formed parking area. Transition paving and kerbing are to be installed within the existing footway which bounds the site in order to accommodate the necessary gradient to allow vehicles to access the site safely and efficiently. **Appendix 2** contains a site plan for the site.
- 2.4 There are no other alterations proposed to the listed building or surrounding grounds as part of this application.

## 3. Representations

- 3.1 No valid letters of representation have been received.

## 4. Consultations

- 4.1 **Infrastructure Services (Environment – Built Heritage)** have no comments to make on this application on the basis the works are retrospective.
- 4.2 **Infrastructure Services (Roads Development)** do not object to this application.

- 4.3 **Portsoy Community Council** have lodged an objection to this application on the basis that the creation of the vehicular access contained within this application would result in the loss of at least two parking spaces from the main thoroughfare through Portsoy.

## 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 Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development 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.

From the 29 March 2019, the Strategic Development Plan 2014 went beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

### 5.3 Aberdeenshire Local Development Plan 2017

Policy P1: Layout, siting and design

Policy HE1: Protecting historic buildings, sites, and monuments

Policy HE2: Protecting historic and cultural Areas

Policy RD1: Providing suitable services

### 5.4 Other Material Considerations

None

## 6. **Discussion**

- 6.1 This application seeks retrospective Full Planning Permission to widen an existing access in order to form a vehicular access and for the formation of a new parking area within the grounds of the category B listed Seafield Street Church Hall. Therefore, the key planning considerations are the layout, siting and design of the proposal and its relationship with the adjacent listed building and surrounding conservation area, in addition to ensuring the proposed access is safe and efficient to use.

### Layout, Siting and Design

- 6.2 The retrospective works focus on the re-siting and re-conditioning of an entry pillar at the edge of the site and the formation of a hardstanding access and parking area. Overall these works are of a small scale and have minimal visual impact upon the setting of the adjacent listed building. Having been consulted on the application Built Heritage confirm that as the works are retrospective they have no further comment to make on the application.
- 6.3 Although an area of land raising was required in order to provide the car park, this will not result in any overlooking into any adjacent residential properties and therefore can be accepted in this instance.
- 6.4 Therefore the application is deemed to accord with Policy P1: Layout, siting and design, Policy HE1: Protecting historic buildings, sites, and monuments and Policy HE2: Protecting historic and cultural Areas.

### Site Access

- 6.5 Roads Development have been consulted on this application confirming within their consultation response that they had no objection to the application. On such basis the application also conforms to Policy RD1: Providing suitable service.

### Letter of Representation

- 6.6 Portsoy Community Council have lodged a letter of objection to the application citing that the new access would result in the loss of two to three parking spaces from Seafield Street.
- 6.7 Having discussed with colleagues in the Roads Service they have advised that no request to place formal road markings at the entrance to the church grounds have been received at the time of writing. However, the Service have been advised in the event a request is made a number of solutions may be offered:
1. Waiting restrictions – double or single yellow lines. This process would involve local Ward Members and/or area committee approval in order to ratify any new markings of this nature. These markings have legal weight with those parking on such lines committing an offence which the police can take action upon.
  2. Provision of a white 'H' line or hatched box area. Although adoption of these markings would not normally be required to be scrutinised by members and are generally at the discretion of the Roads Service, these are also the informal version of waiting restrictions, with no legal powers attached to them.
- 6.8 Ultimately in the absence of any formal waiting restrictions being put in place, it will remain for the users of the site and the wider community to come to an agreement of how the access is to be managed and used.
- 6.9 However as Roads Development, being the expert technical contributor to this application on such issue, do not object to the loss of these spaces, the Planning Service is not obliged to act upon this situation and must remain focused on the assessment of the development in terms of the layout, siting and design of the proposal contained within the application, which in this case is deemed to be acceptable.

### Conclusion

- 6.10 In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.
- 6.11 Having considered this application against the relevant policies of the adopted Local Development Plan as detailed within this report, it is deemed that the proposal fully complies with such policies of the Aberdeenshire Local Development Plan 2017 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 Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.
- 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.

## **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 Strategic Development Plan Departures**

None

### **10.2 Local Development Plan Departures**

None

- 10.3 The application is not a Departure from the Local Development Plan /or Strategic Development Plan and no departure procedures apply.
- 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.
- 10.5 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.

## **11. Recommendation**

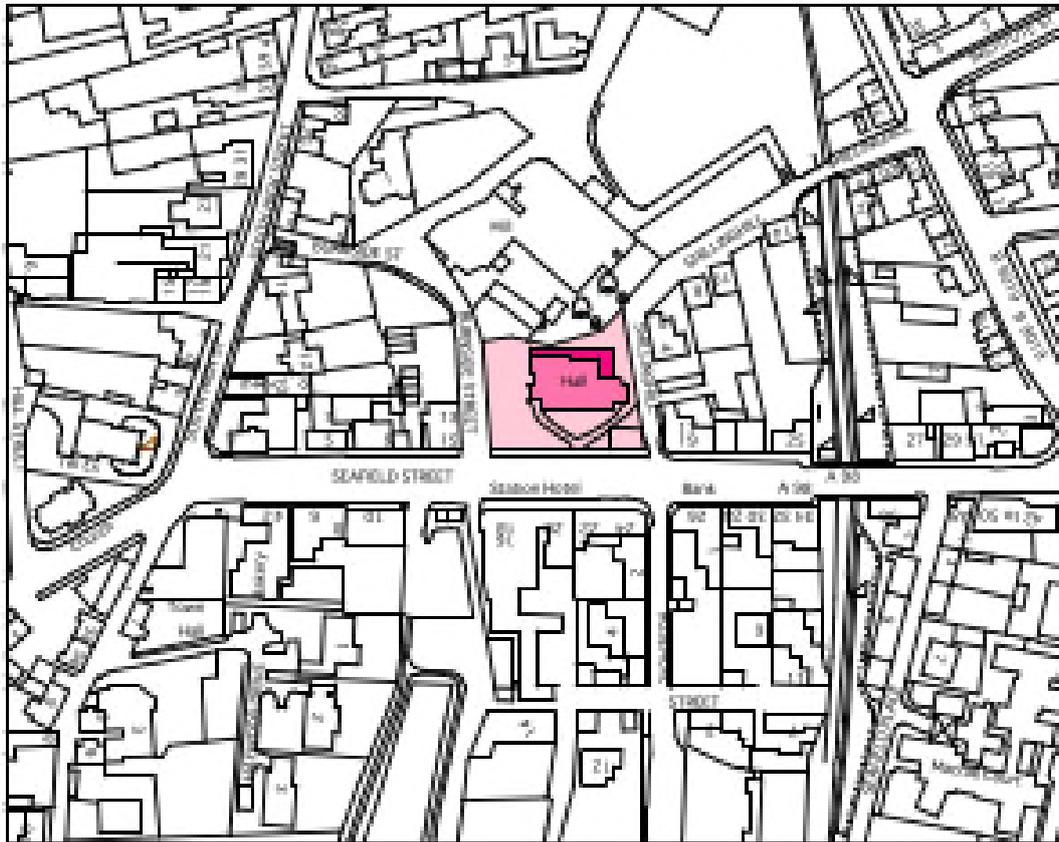
### **11.1 GRANT Full Planning Permission (no conditions):-**

#### **11.2 Reason for Decision**

01. The application complies with Policy P1: Layout, siting and design, Policy HE1: Protecting historic buildings, sites, and monuments, Policy HE2: Protecting historic and cultural Areas of the Aberdeenshire Local Development Plan 2017 as the proposal would not have an adverse impact upon the character or setting of the adjacent listed building of Fordyce Parish Church Hall, nor the surrounding Portsoy Conservation Area. The proposal also creates an access compliant with Policy RD1: Providing suitable services.

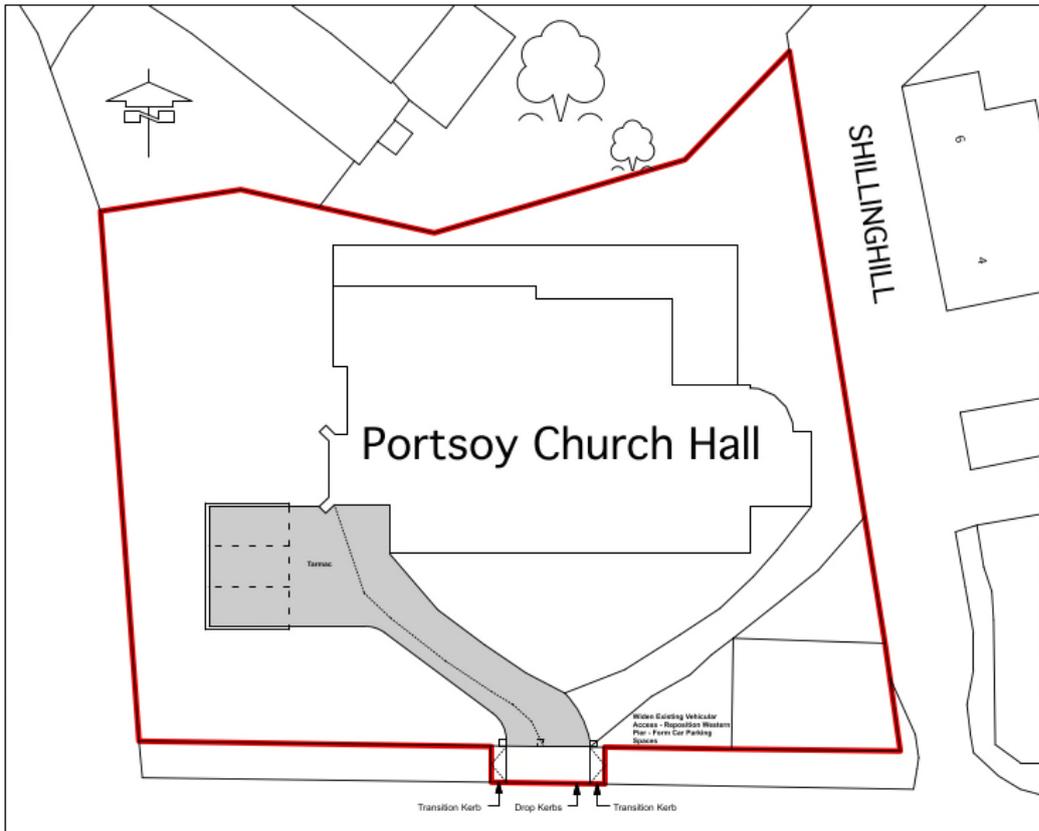
Stephen Archer  
Director of Infrastructure Services  
Author of Report: Stuart Newlands  
Report Date: 06 August 2019

# APPENDIX 1 Location Plan



Location Plan 1:2500  
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## APPENDIX 2 Site Plan



Site Plan 1:200

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