

5. **LRB 334** – Notice of Review Against Refusal of Full Planning Permission for Part Change of Use of Agricultural Shed to Include Class 5 (General Industrial Use) and Class 6 (Storage and Distribution) (Retrospective) at The Steading Boat of Hatton, Hatton of Fintray, Fintray, AB21 0JA – Reference: G/APP/2016/0138
 - (ii) Decision Notice, Report of Handling and Supporting Documents as submitted by the Planning Service

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997****Application Reference: APP/2016/0138**

TO: William Lippe Architects Ltd
4 St. James Place
Inverurie
AB51 3UB

FOR: Mr Brian and Jan Duguid
Boat of Hatton Steading
Hatton of Fintray
Aberdeenshire
AB21 0JA

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Full Planning Permission for Part Change of Use of Agricultural Shed to Include Class 5 (General Industrial Use) and Class 6 (Storage and Distribution) (Retrospective) at The Steading Boat Of Hatton, Hatton of Fintray, Fintray, Aberdeenshire, AB21 0JA

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **REFUSE Full Planning Permission** for the following reason(s):

- (1) The building is a modern agricultural building which was granted just over three years ago and cannot be considered redundant for its designed purpose. The partial conversion of a building originally approved solely for agricultural purposes does not accord with Policy 3 Development in the countryside, SG RD1: Housing and business development in the Countryside of the Aberdeenshire Local Development Plan 2012.
- (2) The industrial and commercial use of the building and yard is not in keeping with the rural character of the area and would be contrary to Policy 8: Layout siting and design of new development, SG LSD2 Layout siting and design of new development of the Aberdeenshire Local Development Plan 2012.

Dated: 29 March 2016


Head of Planning and Building Standards**List of Plans and Drawings**

Reference Number: 4789/50A Elevations, Section, Floor & Site Plans

Reference Number: 4789/51 Location Plan

**IMPORTANT – THIS IS A LEGAL DOCUMENT PLEASE RETAIN WITH YOUR
TITLE DEEDS**

**NOTES**

- (i) In the case of any permission granted, this does NOT incorporate any building warrant for any operations or change of use which may be required under the Building (Scotland) Act 2003. This must be obtained separately from the Council prior to the start of building operations.
- (ii) Any permission granted does not incorporate any listed building consent which may be required. This must be obtained separately prior to the start of building operations.
- (iii) Any permission granted is without prejudice to any further consents required from Aberdeenshire Council in its role as landowner.
- (iv) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review form should be obtained from and submitted to:

Head of Legal and Governance
Corporate Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

Tel: 01224 665147

Email: committee.services@aberdeenshire.gov.uk

A form may also be obtained from a local Planning office or the Council's website at www.aberdeenshire.gov.uk/committees/localreviewbody.asp

- (v) If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



REPORT OF HANDLING

Application Reference: APP/2016/0138

Proposal: Part Change of Use of Agricultural Shed to Include Class 5 (General Industrial Use) and Class 6 (Storage and Distribution) (Retrospective)

Address: The Steading Boat Of Hatton, Hatton Of Fintray, Fintray, Aberdeen, Aberdeenshire, AB21 0JA

1. Description of proposal

The application seeks retrospective Full Planning Permission for the part change of use of an agricultural shed to include Class 5 (general industrial) and Class 6 (storage and distribution) at land to the north of the Steading at Boat of Hatton. The site is located approximately 180m south west of the settlement of Hatton of Fintray. The site is located in open countryside within the Aberdeen Housing Market Area and around 150m west of the Aberdeen north green belt. The site is approximately 60m north-west of the B979 between Hatton of Fintray and Blackburn and 70m north east of the River Don. To the south east of the application site is Boat of Hatton steading which has recently been converted into a dwelling house which is owned and inhabited by the applicant. To the south-west of the application site is The Boat which is a traditional 1½ storey farmhouse which is not under the control of the applicants. To the north and east of the application site is open undulating agricultural land and to the west of the immediate north application site is Gallows' hill which is an elevated wooded area.

On site at present is a large agricultural corrugated metal building which measures 12m x 18m with a ridge height of 6.4m. The building has a shallow pitched roof and is finished with drydash rendered blockwork to dado height pale grey cladding to roof and above dado height. The building was granted as an agricultural building under prior notification as a building associated with an agricultural holding of 0.55ha (APP/2012/3948) in December 2012.

It has since come to the attention of the Planning Service that the building was partially being used for industrial rather than agricultural purposes; this application seeks to rectify this situation. It is proposed that the front half of the building is retained for agricultural purposes and the other half will be used for fabrication and storage purposes that constitute class 5 and 6 uses. The existing access is retained and no new drainage arrangements are proposed.

2. Relevant Planning History

APP/2012/3948, Agricultural Prior Notification, Erection of Agricultural Building, Approved December 2012

Enforcement

COMP/2015/0133 was received in March 2015 and related, in part, to the erection of the agricultural shed. The owner has erected the shed and has not applied for a change of use for use as a fabrication workshop. The enforcement case was closed in January 2016 on receipt of this application.

To the south of the application site

APP/2012/3979, Full Planning Permission, Conversion of Steading to Dwellinghouse, Withdrawn February 2013

APP/2013/1419, Full Planning Permission, Conversion of Steading to form Dwellinghouse, Approved August 2013

APP/2015/1699, Full Planning permission, Alterations to Boundary (Erection of 1.5m Hit and Miss Timber Fence and Hedging to South and East Boundaries), Approved July 2015

3. Supporting Information

A covering letter has been submitted by the agent which describes the current use of the agricultural building and explains how a business may be operated. The letter also gives additional justification and policy observations.

The letter makes it clear that the applicant has used the building for some personal and private fabrication work and more recently has been carrying out work for oil companies and has stored materials there. Generally, no fabrication is currently carried out at the site, but it would be beneficial to gain permission for part of the building to be used for this.

4. Variations & Amendments

No amendments have been received

5. Representations

No representations have been received.

6. Consultations

Infrastructure Services (Environmental Health) does not object to application but has advised that conditions relating to hours of operation and use of

commercial vehicles would be required in order to protect the amenity of neighbouring properties.

Infrastructure Services (Flood Prevention Unit) has commented that due to the nature and location of the application it does not foresee any problems with surface water drainage or flood risk

Infrastructure Services (Roads Development) has commented that there is currently ample room to accommodate parking and sufficient visibility.

7. Relevant Policies

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.

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.

Aberdeenshire Local Development Plan 2012

Policy3: Development in the Countryside
SG RD1: Housing and Business in the Countryside

Policy 8: Layout, siting and design of new development
SG LSD2: Layout, siting and design of new development

8. Other Material Considerations

The granting of the building under prior notification is a significant material consideration.

Planning Advice 13/2012: Housing and business development in the countryside and greenbelt

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.

9. Discussion

Retrospective full planning permission is sought for partial change of use of an agricultural building to a class 5 and 6 use. The building is a modern agricultural shed which was granted as a prior notification in December 2012. The building was approved for agricultural use as it was demonstrated that the applicant had an agricultural holding of sufficient size (0.55ha) and the building was needed for storage of machinery and equipment for the land's maintenance. The decision notice is explicit that the building was approved on this basis. The building is still partially used for storage of machinery for the maintenance of the associated agricultural holding.

There is recent relevant planning history to the site and the immediate area. The key planning issues are whether the principle of changing the use can be supported and whether the proposed development would comply with policies related to layout siting and design of new development.

In terms of the principle of this development, Policy 3 Development in the Countryside and SG Rural Development 1: Housing and Business Development in the Countryside allows for small scale development, subject to other policies, where:

1. it is for a development that would be permissible under the green belt supplementary guidance; or
2. it is for the refurbishment or replacement of an existing or disused building, or it is on a site which has previously been developed and is now redundant; or

3. it is for development that contributes to the organic growth of a settlement identified in appendix 1, of no more than 3 houses on a site within approx. 400m of the edge of the built up area; or
4. it is for a single dwelling house associated with the retirement succession of a viable farm holding.

A number of these criteria are only applicable to new dwellinghouses and therefore only criterion 2 is potentially applicable; this is the wording referred to in the covering letter supporting the application from the agent.

The reasoned justification for SG RD1 states that:

‘Previously developed land must be disused and redundant for its designed purpose and therefore a recently built agricultural building which is capable of being used for modern farming practises would not apply’.

Planning Advice 13/2012 supports criterion 2 of Policy SG RD1 and makes it clear that it can be difficult to assess if agricultural buildings are redundant for their purpose or have been redundant for a significant period. It reiterates the point above that a recently built building is unlikely to qualify for refurbishment or replacement.

The policy is very clear that in the Aberdeen Housing Market Area, small scale development allows up to three residential units and that it is only in the Rural Housing Market Area that an employment proposal would be acceptable. This clearly does not apply at Hatton of Fintray. SG Rural Development 1: Housing and Business Development in the Countryside Part A point 1 also allows for development that would be permissible under the greenbelt supplementary guidance. However the proposal fails to meet points 1-8 of that policy. The proposal is not an existing building and cannot be considered as an ancillary use. The proposed use of part of the shed is class 5 and 6 and could not be considered to be agriculture, forestry, horticulture, nature conservation, or essential public infrastructure. The building proposes no recreational uses that are compatible with the natural setting. The existing shed is a modern corrugated steel clad building and could not be considered a vernacular building.

The proposal does not accord with any of the other parts of SG RD1: Housing and Business Development in the Countryside; the class 5 and 6 use cannot be supported by policy in the Aberdeen housing market area.

All new development must comply with Policy 8: Layout siting and design of new development. Applicable to this application is SG LSD2 Layout siting and design of new development. The building although visible from the road is set back from main road and the converted steading. The building is located on low lying ground with sufficient backdrop from the rising land to the north and west. The building is relatively modest in size and is subservient in relationship to the existing properties

to the south east and south west. The building is reasonably modest in size and does not differ significantly to other agricultural buildings. However, the building has been partially used for class 5 and 6 uses which are better suited to existing settlements and land identified for employment purposes. The industrial and commercial use of the building is incongruous to the rural character of the area. Freestanding signage, building materials and shipping containers feature on the site which again may be appropriate in more urban areas or employment land identified for that purpose.

Infrastructure Services (Environmental Health) does not object to application but have advised conditions relating to hours of operation and restricted use of commercial vehicles in order to protect the amenity of neighbouring properties would be necessary if the application were granted.

Infrastructure Services (Roads Development) has no comment to make in relation to the application and are satisfied with the existing visibility and provision of parking already on site. Infrastructure Services (Flood Prevention Unit) has commented that due to the nature and location of the application it does not foresee any problems with surface water drainage or flood risk.

In conclusion, the partial conversion of a building originally approved solely for agricultural purposes does not accord with Policy 3 Development in the countryside, SG RD1: Housing and business development in the Countryside. The building is a modern agricultural building which was erected just over 3 years ago and can not be considered redundant for its designed purpose. The class 5 and 6 uses do not comply with part A of RD1: Housing and business development in the Countryside as the application site is within the Aberdeen Housing Market Area and employment proposals are only permitted in the Rural Housing Market Area.

The proposal is also contrary to Policy 8: Layout siting and design of new development, SG LSD2 Layout siting and design of new development. The industrial and commercial use of the building and yard is not in keeping with the rural character of the area and would likely result in negative impacts on the area. Support for class 5 and 6 uses in the countryside part of the Aberdeen Housing Market Area would create an undesirable precedent and would be inconsistent with the approach the Planning Service has taken to new proposals that are not retrospective in nature. The proposal is therefore recommended for refusal.

11. Recommendation

REFUSE for the following reasons:

01. The building is a modern agricultural building which was granted just over three

years ago and cannot be considered redundant for its designed purpose. The partial conversion of a building originally approved solely for agricultural purposes does not accord with Policy 3 Development in the countryside, SG RD1: Housing and business development in the Countryside of the Aberdeenshire Local Development Plan 2012.

02. The industrial and commercial use of the building and yard is not in keeping with the rural character of the area and would be contrary to Policy 8: Layout siting and design of new development, SG LSD2 Layout siting and design of new development of the Aberdeenshire Local Development Plan 2012.

12. Process of Determination

The application was the subject of consultation with Local Members under the Council's Scheme of Delegation.

13. Planning Obligations

No



Viewmount Arduthie Road Stonehaven AB39 2DQ Tel: 01569 768300 Fax: 01569 766549 Email: planningonline@aberdeenshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100000615-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

The shed at Boat of Hatton was granted under a Prior Agricultural Notification under APP/2012/3948. The applicant wants to retain part of the building for agricultural purposes but also use part of the building for Class 5 General Industrial Use and Class 6 Storage and Distribution.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

31/07/2015

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

The applicant had been using the shed for personal fabrication and storage projects in addition to its agricultural use but has occasionally been using part of it under Class 5 and Class 6 in support of his own and other businesses.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	William Lippe Architects Ltd.		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	William	Building Name:	<input type="text"/>
Last Name: *	Lippe	Building Number:	4
Telephone Number: *	01467 622785	Address 1 (Street): *	St. James Place
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Inverurie
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB51 3UB
Email Address: *	admin@lippe-architects.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Boat of Hatton Steading
First Name: *	Brian and Jan	Building Number:	<input type="text"/>
Last Name: *	Duguid	Address 1 (Street): *	Hatton of Fintray
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeenshire
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB21 0JA
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Aberdeenshire Council

Full postal address of the site (including postcode where available):

Address 1:

THE STEADING BOAT OF HATTON

Address 2:

FINTRAY

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB21 0JA

Please identify/describe the location of the site or sites

Northing

816002

Easting

383790

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

A meeting was held with the Planning Service on 21.05.15 with regard to a previous application for fencing at the steading. The use of the agricultural building was discussed and it was noted that an application was required to use the building for anything other agricultural and that sufficient justification would be required to support the application. There has been subsequent correspondence with the enforcement team with regard to regularising the use of the shed for non-agricultural uses.

Title:

Ms

Other title:

First Name:

Claire

Last Name:

Mackintosh

Correspondence Reference Number:

COMP/2015/0133

Date (dd/mm/yyyy):

30/04/2015

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.55

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

The building was granted and is substantially used for agricultural purposes. Part of the building has also been used latterly for general industrial and storage uses.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

1

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Can be done via the dwellinghouse in the ownership of the applicant adjacent to the site.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 5 General Industry

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

108.0000

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Class 6 Storage and Distribution also proposed in the same part of the building.

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Do you have any agricultural tenants? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: William Lippe

On behalf of: Mr Brian and Jan Duguid

Date: 19/01/2016

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Supporting cover letter

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr William Lippe

Declaration Date: 19/01/2016

Payment Details

Cheque: William Lippe Architects Ltd, 001057

Created: 19/01/2016 16:05

Technical Consultation No 1 for Planning Application Ref: G/APP/2016/0138

Application type: **Full Planning Application**

Proposal: **Part Change Of Use Of Agricultural Shed To Include Class 5 (General Industrial Use) And Class 6 (Storage And Distribution) (Retrospective)**

Location: **The Steading Boat Of Hatton, Hatton Of Fintray, Fintray, Aberdeen, Aberdeenshire, AB21 0JA**

Date consultation request received: **21/01/2016**

Planning Officer: **Not Available**

Roads Officer: **Esther Mcdonald**

1. Visibility Requirements

Speed Limit at site: **60 mph**

Design speed: **40 mph (assessed for both approaches)**

Based on the minimum visibility requirements within Aberdeenshire Council's current standards and on the design speed a visibility of **2.4** metres by **120** metres will be required

Does current application provide this? Yes No

2. Parking Requirements:

From Aberdeenshire Council's Parking Standards the required parking provision is
Spaces made up of: Operational and Non-Operational.

Is shown provision of spaces acceptable Yes No

Note:

Ample room within the site to accommodate parking

3. Road Layout:

- Is a Traffic Assessment required? Yes No
- Access onto Public Road Network? Direct Indirect
- Will the Shown Layout Require RCC? Yes No
- Does the Shown Layout Appear to Comply with RCC? Yes No

If No, What are Main Items of Non-Compliance?

4. Other Comments:

5. Recommendations:

- This Service objects to this application for the following reasons:-
- Insufficient Visibility Insufficient Parking Provision
 - Road Safety (see comments in Section 4)
 - Insufficient information has been submitted to comment on this application. Please treat this response as a holding objection until the required information has been submitted. (See Section 4)
- This Service has no comment to make on this application.
- This Service does not object to this application subject to the following conditions being applied should planning permission be granted:-

Initialed by: 
Date: 22/01/2016

Checked: 
Date: 22/01/2016

PLANNING CONSULTATION

APPLICATION REF: APP/2016/0138
CASE OFFICER: Hilary Wilkison
PROPOSAL: Full Planning Permission for part change of use of agricultural shed to include Class 5 (General Industrial Use) and Class 6 (Storage and Distribution) (Retrospective)
LOCATION: The Steading Boat of Hatton, Hatton of Fintray, Fintray, AB21 0JA
APPLICANT: Mr Brian and Jan Duguid
AGENT: William Lippe Architects Ltd
DATE RECEIVED BY EH: 21/01/2016

Please find the following observations:

Conditions

1. The proposed workshop shall not operate outwith the hours of 0700 and 1900 Monday to Friday, 0700 and 1200 hours on Saturdays, and should not be operated at any time on Sundays, Bank and other public holidays without the prior agreement in writing of the Planning Service.
2. Commercial vehicles (including fork lift trucks) should only be started up, manoeuvred, operated, loaded or unloaded between 0700 and 1900 hours Monday to Friday and 0700 and 1200 hours on Saturdays, and should not be operated at any time on Sundays, Bank and other public holidays without the prior agreement in writing of the Planning Service.

Informative

Any noise complaints received by this Service will be investigated and could result in action being taken by Aberdeenshire Council under the Environmental Protection Act 1990.

The Environmental Health Service would recommend approval subject to the above conditions.

Emma Keaney
Environmental Health Officer

Date: 16 March 2016

**If you have difficulty reading this document please contact
Emma Keaney on 01467-628125**

Please note that the above observations do not include consideration of contaminated land issues. The Scientific Officer, (Infrastructure Services) Environmental Health will report separately to the Planning Officer on such matters.

From: [Lee Watson](#)
To: [Planning Online](#)
Cc: [Lindsey Geddes](#)
Subject: Planning Consultation ref: APP/2016/0138
Date: 23 February 2016 12:58:18

Consultee: Flood Prevention Unit

Planning Reference: APP/2016/0138

Case Officer Name: Lindsey Geddes

Proposal: Full Planning Permission for Part Change of Use of Agricultural Shed to Include Class 5 (General Industrial Use) and Class 6 (Storage and Distribution) (Retrospective)

Address: The Steading Boat Of Hatton, Hatton Of Fintray, Fintray, Aberdeen, Aberdeenshire, AB21 0JA

Grid Reference: 383779.816053

Due to the nature and location of the proposed application, we do not foresee any problems with surface water drainage or flood risk.

We do however note the following matters:-

- 1/ It is assumed that the existing private drainage systems have been assessed and have been deemed suitable for inclusion of this development. If there are any concerns with the adequacy of the existing private drainage system then advice should be sought by a competent engineer with suitable indemnity insurance.
- 2/ Flood risk assessments have been submitted in support of previous applications (ref: APP/2013/1419 and APP/2012/3979) but this application is not thought to increase existing flood risk.
- 3/ The applicant should consider that as of the 1st January 2009; we have been notified by insurers that they will refuse to insure any new properties in Scotland which they consider to be at risk of flooding. However, it is anticipated that the newly formed 'Flood Re' scheme (agreed in principle on 27th June 2013) should continue the commitment from insurers to provide flood insurance for existing domestic properties and small businesses (based in homes); already classed as at high risk from flooding. As such, the applicant may wish to get clarification on insurance matters at this location, prior to proceeding any further.

We therefore have no further comment on this application.

Regards,

Lee Watson

Flooding & Coast Protection

Infrastructure Services

Aberdeenshire Council

Telephone - 01569 768530 (Internal 724 8530)



Aberdeenshire Council

Below is the table of report for Planning Consultation with the title - The Steading Boat Of Hatton Hatton Of Fintray Fintray Aberdeen Aberdeenshire AB21 oJA

Ref : APP/2016/0138

Councillor	Response	Interest Declaration
Nan Cullinane/Councillors/Abdnshire	Accepted	No Interest Declared
Martin Ford/Councillors/Abdnshire	Accepted	No Interest Declared
Fergus Hood/Councillors/Abdnshire	Accepted by No Response	

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