

## REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 20 JUNE 2019

Reference No: APP/2019/0164

### Full Planning Permission for Alterations to Shop Front (Retrospective) at Peartree Coffee House and Bistro at 61 High Street, Fraserburgh, AB43 9ET

**Applicant:** Mr Hamish Partridge  
**Agent:** Ecotech Architecture

Grid Ref: E: 399603 N: 867122  
Ward No. and Name: W03 – Fraserburgh and District  
Application Type: Full Planning Permission  
Representations: 0  
Consultations: 1  
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017  
Designations: Fraserburgh Town Centre Conservation Area  
Complies with: Yes  
Development Plans:  
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 Part 1 Standing Orders Section 5.5 (2b) as the Committee voted unanimously to make the request for referral, and under Section 5.5 (4f) as the decision is on a planning application at Area Committee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report, had no comments to make and are satisfied that the Report complies with the Scheme of Governance and relevant legislation.

#### 2 Principal Planning Issue (Summary)

- 2.1 The principal planning issues in this application are whether the layout and design of the shop frontage is considered acceptable in line with Policy P1: Layout, siting and design. Additionally, whether the development is considered to have any adverse impact on the character of the Fraserburgh Town Centre Conservation Area in line with Policy HE2: Protecting historic and cultural areas.
- 2.2 The development is considered to comply with Policy P1 as it constitutes an improvement to the previous shop frontage and has no adverse impact on the character of the existing building or surrounding area. It is also considered to be compliant with Policy HE2 as it is deemed that the development has a neutral impact on the character and appearance of the Fraserburgh Town Centre Conservation Area. All other material considerations have been taken into account in arriving at this recommendation.

2.3 A full discussion of the proposed development is contained in the Banff and Buchan Area Committee Report from the meeting of 7 May 2019 which is attached as **Appendix 4**.

### **3 Representations (Summary)**

3.1 No representations have been received.

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

4.1 At their meeting on 16 April 2019, the Banff and Buchan Area Committee noted that the application had been withdrawn from the agenda, and as such this application was not discussed at the Committee meeting. A copy of the Banff and Buchan Area Committee Report from the meeting of 16 April 2019 is attached as **Appendix 2**. An extract of the Minute of the Banff and Buchan Area Committee from 16 April 2019 is attached as **Appendix 3**.

4.2 At their meeting on 7 May 2019, the Banff and Buchan Area Committee agreed to refer the matter simpliciter to the Infrastructure Services Committee for determination. The Committee wished the application to be considered by a Committee that would consider the application completely impartially rather than by the Banff and Buchan Area Committee which had a closer working relationship with the applicant. An extract of the Minute of the Banff and Buchan Area Committee from 7 May 2019 is attached as **Appendix 5**.

4.4 The following documents are attached as appendices to this Report:

- **Appendix 1A:** Location Plan
- **Appendix 1B:** Site Layout Plan
- **Appendix 2:** Copy of the Banff and Buchan Area Committee Report dated 16 April 2019
- **Appendix 3:** Extract of Minute of the Banff and Buchan Area Committee meeting of 16 April 2019
- **Appendix 4:** Copy of the Banff and Buchan Area Committee Report dated 07 May 2019
- **Appendix 5:** Extract of Minute of the Banff and Buchan Area Committee meeting of 07 May 2019

### **5 Implications and Risk**

5.1 An Equality Impact Assessment is not required because the proposals do not have a differential impact on any of the protected characteristics.

5.2 There are no staffing and financial implications.

5.3 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.

**6 Officer Recommendation**

**6.1 GRANT Full Planning Permission**

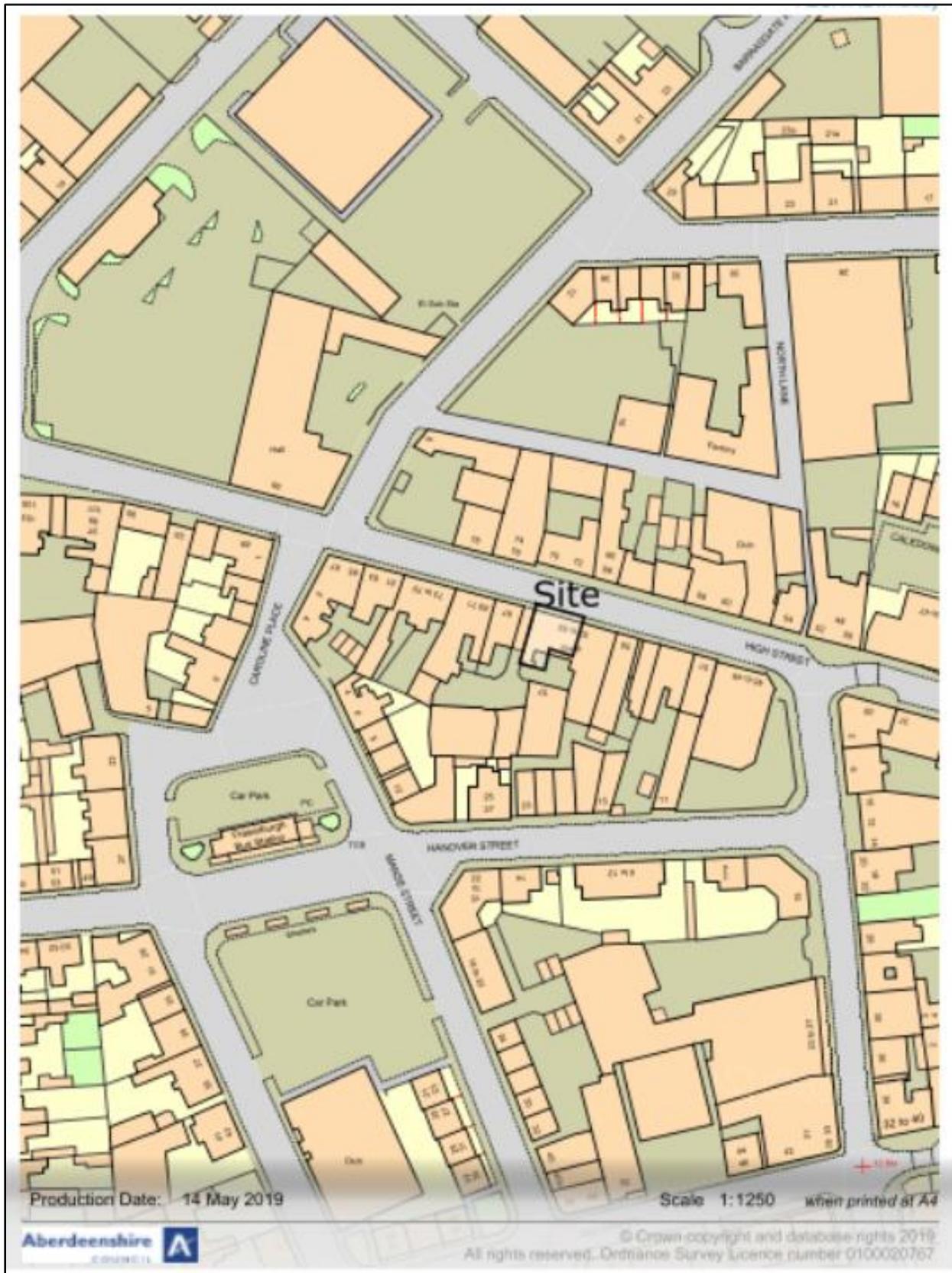
**6.2 Reason for Decision**

The proposed development accords with Policy P1 and Policy HE2 of the Aberdeenshire Local Development Plan 2017 and there are no material considerations which indicate that permission should be refused.

**Stephen Archer**  
**Director of Infrastructure Services**

Author of Report: Lisa Crossan, Planner  
Report Date: 14 May 2019





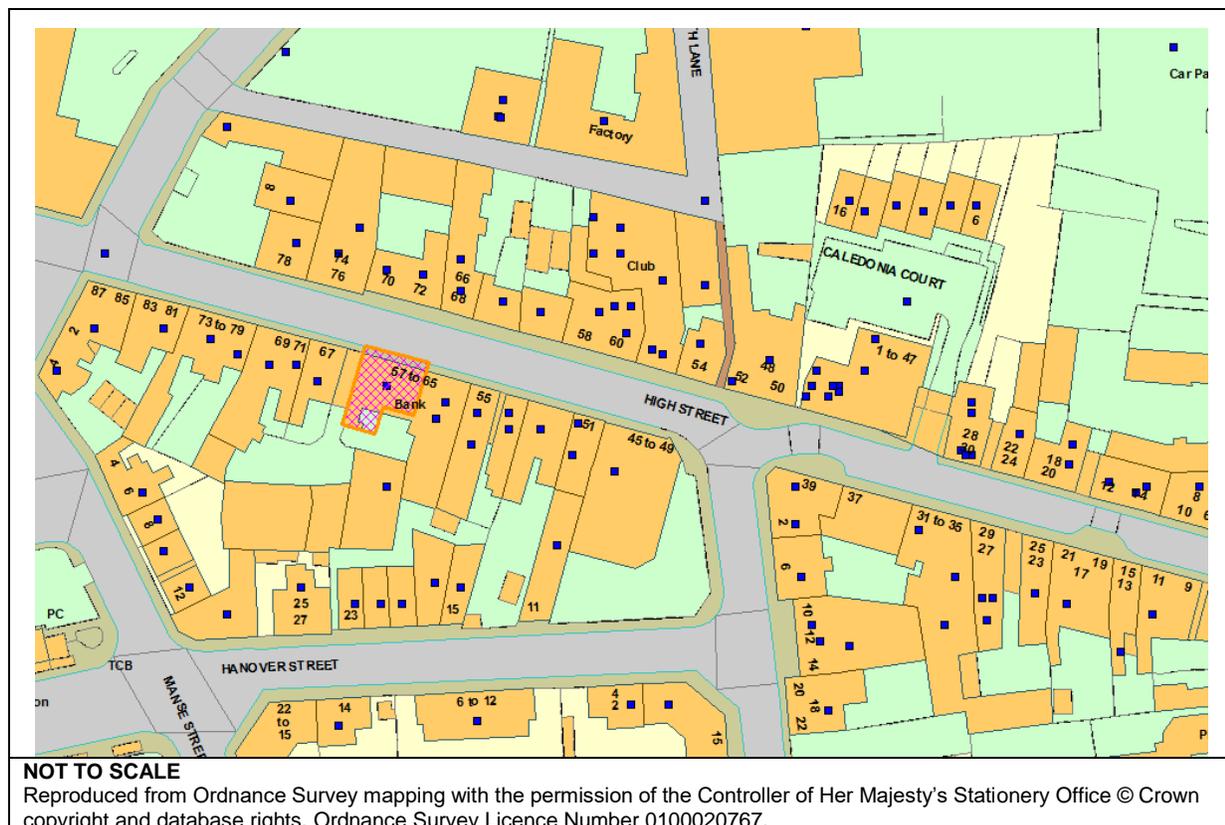


## Report to Banff & Buchan Area Committee – 16 April 2019

Reference No: APP/2019/0164

### Full Planning Permission for Alterations to Shop Front (Retrospective) at Peartree Coffee House and Bistro, 61 High Street, Fraserburgh

Applicant:	Mr Hamish Partridge
Agent:	Ecotech Architecture
Grid Ref:	E: 399603 N: 867122
Ward No. and Name:	W03 – Fraserburgh and District
Application Type:	Full Planning Permission
Representations	0
Consultations	1
Relevant Proposals Map Designations:	Aberdeenshire Local Development Plan 2017 Fraserburgh Town Centre Conservation Area
Complies with Development Plans:	Yes
Main Recommendation	Delegated 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.9.1 of Part 2A List of Committee Powers and Section C.3.1j of Part 2C Planning Delegations of the Scheme of Governance as the application has been submitted by, or on behalf of, a Member of the Authority, or their spouse or partner, and where the recommendation is to approve.
- 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 Full planning permission is sought retrospectively for alterations to the shop frontage at 61 High Street, which sits within the Fraserburgh Town Centre and Conservation Areas. A site/location plan is attached as Appendix 1 to this report.
- 2.2 The site is located in the centre of the Fraserburgh settlement on the High Street. The application property sits on the ground floor of a three-storey building. In the surrounding vicinity there is a range of retail and business units. The site comprises of an existing café/restaurant unit known as The Peartree Coffee House and Bistro, previously of the same use and known as Symposium Coffee House. Prior to the retrospective works taking place, the shop front had two recessed entrances which each had timber doors and a burgundy fascia board with gold lettering located above the doors and windows. The window openings previously had burgundy alu-clad windows and the shop front had smooth render basecourses with mosaic tiles on a central column.
- 2.3 The proposal includes alterations to the shop frontage at 61 High Street. As this is a retrospective application, the works have already commenced. These works include a white uPVC fascia board which is located above the windows and door, which runs the length of the shop (approximately 13.4m). The fascia board includes the address of the café, the café name as well as logo. These are all coloured in a combination of grey and lime green. The window openings are painted grey and their style and form are similar to the windows of the previous Symposium Coffee House. Directly below the windows there is a row of panelling which has been coloured in lime green. There is now only one external entrance door which is slightly recessed and sits largely in the centre of the shop front. The door is finished in white uPVC. The additional external entrance door has been removed and replaced with a window which matches those on the existing shop front. The external walls now have grey slate ledgestone cladding located below the shop front windows and at the corner sited to the east of the front

entrance. Illustrations of the previous and current frontages are attached for comparison purposes in Appendix 2.

**2.4 Relevant Planning History**

ENQ/2018/1322 – Change of Use and Alterations Including Signage – Closed, 25/02/2019

APP/2014/4097 – Change of Use from a Public Bar to Class 3 Food and Drink Bar/Café Business – FPP Granted, 19/03/2015

APP/2012/2594 – Change of Use from Bar/Restaurant to Hot Food Takeaway – FPP Refused, 20/03/2012

**3. Representations**

3.1 No valid letters of representation have been received.

**4. Consultations**

4.1 Infrastructure Services (Environment - Built Heritage) has commented that the current application is for retrospective alterations to a shop frontage in the heart of the Fraserburgh Central Conservation Area where the local authority is currently operating a regeneration scheme to improve the appearance and quality of the built environment. The unauthorised shop frontage would appear to have a combination of uPVC fittings and slate ledgestone cladding which are not traditional materials.

4.2 The majority of the works would appear to be a reworked version of the previous shopfront but removing one of the door entrances and replacing a relatively modern timber fascia board. Indeed, it could be argued that the replacement signage has had a neutral impact on the character of the conservation area on the grounds that the previous shop frontage was neither of historic value or architectural merit.

4.3 It is clearly disappointing that the applicant has not taken the opportunity to install a high-quality traditional shopfront to accord with the principles of the Conservation Area Regeneration Scheme and enhance the wider appearance of the streetscape. The consultee concludes that the proposal is a commercial frontage which fails to acknowledge that it is located in a conservation area but could be conceded on the grounds that is of a similar standard of design and construction to the shopfront it has replaced.

## **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.

### **5.3 Aberdeenshire Local Development Plan 2017**

Policy P1: Layout, Siting and Design  
Policy HE2: Protecting Historic and Cultural Areas

5.4 Other Material Considerations

Fraserburgh 2021 Heritage Regeneration Project

**6. Discussion**

- 6.1 The main issues to be considered in this application are the layout, siting and design of the retrospective development and its impact on the character of the Fraserburgh Town Centre Conservation Area.

*Layout, Siting and Design*

- 6.2 Policy P1: Layout, Siting and Design promotes a broad approach to design and provides a template for a complete and effective process, from which high-quality design can emerge.
- 6.3 Ultimately it is considered that the retrospective alterations to the shop front are acceptable. The design of the shop frontage in terms of the replaced fascia board, altered entranceway and new external wall finish is relatively modern. The design is considered to be an improvement on the previous shop front as it provides a 'lift' to the overall appearance. The siting and scale of the fascia board has not changed from that of the previous fascia board and is considered acceptable. The style and form of the windows have not been significantly altered and their grey painted finish is also deemed acceptable. The entranceway has been altered as there is now only one external door, however, it is deemed that this alteration does not detract from the appearance of the overall building and is therefore acceptable. The wider streetscape is characterised by retail and commercial units with existing shop frontages and hence the development is deemed to integrate within the surrounding streetscape. It is therefore considered that the retrospective development complies with Policy P1.

*Built Heritage*

- 6.4 Policy HE2 aims, among other things, to protect historic and cultural areas in Aberdeenshire from inappropriate development proposals. The acceptability of development within the conservation area should be based on its potential impact and whether it conflicts with the principal objective of the designation, which is to preserve or enhance the appearance and character of the locality. On the basis of the position stated by the Council's Built Environment Team, the proposal is deemed to comply with Policy HE2: Protecting Historic and Cultural Areas of the 2017 Aberdeenshire Local Development Plan.
- 6.5 The Built Environment Team has commented that the replacement signage has had a neutral impact on the character of the conservation area, specifically on

the grounds that the previous shop frontage was neither of historic value or architectural merit. However, The Built Environment Team has noted that it is clearly disappointing that the applicant has not taken the opportunity to install a high-quality traditional shopfront to accord with the principles of the Conservation Area Regeneration Scheme and enhance the wider appearance of the streetscape. Thus, the result is a commercial frontage which fails to acknowledge that it is located in a conservation area. However, the development's acceptability and compliance with Policy HE2 is on the grounds that it is of a similar standard of design and construction to the shopfront it has replaced and as such is deemed to have a neutral impact on the character of the Fraserburgh Town Centre Conservation Area.

### *Conclusion*

- 6.6 In light of the above, the application is deemed to comply with Policy P1 as the development is not considered to have an adverse impact on the character of the existing building or surrounding area and Policy HE2 of the 2017 Aberdeenshire Local Development Plan as it is considered that the development has a neutral impact on the character and appearance of the Fraserburgh Town Centre Conservation Area. As such, the application is 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 Aberdeenshire Local Development Plan 2017 or the Aberdeen City and Shire Strategic Development Plan 2014 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 That authority to GRANT be delegated to the Head of Planning and Building Standards.**

### **11.2 Reason for Decision**

The proposed development accords with Policy P1 and Policy HE2 of the Aberdeenshire Local Development Plan 2017 and there are no material considerations which indicate that permission should be refused.

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author of Report: Lisa Crossan**  
**Report Date: 29 March 2019**

5D REFERENCE NO. APP 2019/0164

**FULL PLANNING PERMISSION FOR ALTERATIONS TO SHOP FRONT  
(RETROSPECTIVE) AT PEARTREE COFFEE HOUSE AND BISTRO, 61 HIGH STREET,  
FRASERBURGH.**

**Applicant:** Mr Hamish Partridge

**Agent:** Ecotech Architecture

A report dated 29 March, 2019 by the Director of Infrastructure Services had been circulated seeking determination of the above application by the Area Committee.

The Committee **noted** that this application had been **withdrawn** from the agenda.

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## Report To Banff & Buchan Area Committee – 07 May 2019

Reference No: APP/2019/0164

### Full Planning Permission for Alterations to Shop Front (Retrospective) at Peartree Coffee House and Bistro, 61 High Street, Fraserburgh

**Applicant:** Mr Hamish Partridge  
**Agent:** Ecotech Architecture

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**Ward No. and Name:** W03 – Fraserburgh and District  
**Application Type:** Full Planning Permission  
**Representations:** 0  
**Consultations:** 1  
**Relevant Proposals Map:** Aberdeenshire Local Development Plan 2017  
**Designations:** Fraserburgh Town Centre Conservation Area  
**Complies with Development Plans:** Yes  
**Main Recommendation:** Delegated Grant



**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.9.1 of Part 2A List of Committee Powers and Section C.3.1j of Part 2C Planning Delegations of the Scheme of Governance as the application has been submitted by, or on behalf of, a Member of the Authority, or their spouse or partner, and where the recommendation is to approve.
- 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 Full planning permission is sought retrospectively for alterations to the shop frontage at 61 High Street, which sits within the Fraserburgh Town Centre and Conservation Areas. A site/location plan is attached as Appendix 1 to this report.
- 2.2 The site is located in the centre of the Fraserburgh settlement on the High Street. The application property sits on the ground floor of a three-storey building. In the surrounding vicinity there is a range of retail and business units. The site comprises of an existing café/restaurant unit known as The Peartree Coffee House and Bistro, previously of the same use and known as Symposium Coffee House. Prior to the retrospective works taking place, the shop front had two recessed entrances which each had timber doors and a burgundy fascia board with gold lettering located above the doors and windows. The window openings previously had burgundy alu-clad windows and the shop front had smooth render basecourses with mosaic tiles on a central column.
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## 3. **Representations**

3.1 No valid letters of representation have been received.

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- 4.3 It is clearly disappointing that the applicant has not taken the opportunity to install a high-quality traditional shopfront to accord with the principles of the Conservation Area Regeneration Scheme and enhance the wider appearance of the streetscape. The consultee concludes that the proposal is a commercial frontage which fails to acknowledge that it is located in a conservation area but could be conceded on the grounds that is of a similar standard of design and construction to the shopfront it has replaced.

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### 5.3 Aberdeenshire Local Development Plan 2017

Policy P1: Layout, Siting and Design  
Policy HE2: Protecting Historic and Cultural Areas

### 5.4 Other Material Considerations

Fraserburgh 2021 Heritage Regeneration Project

## 6. Discussion

- 6.1 The main issues to be considered in this application are the layout, siting and design of the retrospective development and its impact on the character of the Fraserburgh Town Centre Conservation Area.

### *Layout, Siting and Design*

- 6.2 Policy P1: Layout, Siting and Design promotes a broad approach to design and provides a template for a complete and effective process, from which high-quality design can emerge.
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### *Built Heritage*

- 6.4 Policy HE2 aims, among other things, to protect historic and cultural areas in Aberdeenshire from inappropriate development proposals. The acceptability of development within the conservation area should be based on its potential impact and whether it conflicts with the principal objective of the designation, which is to preserve or enhance the appearance and character of the locality. On the basis of the position stated by the Council's Built Environment Team, the proposal is deemed to comply with Policy HE2: Protecting Historic and Cultural Areas of the 2017 Aberdeenshire Local Development Plan.
- 6.5 The Built Environment Team has commented that the replacement signage has had a neutral impact on the character of the conservation area, specifically on the grounds that the previous shop frontage was neither of historic value or architectural merit. However, The Built Environment Team has noted that it is clearly disappointing that the applicant has not taken the opportunity to install a high-quality traditional shopfront to accord with the principles of the Conservation Area Regeneration Scheme and enhance the wider appearance of the streetscape. Thus, the result is a commercial frontage which fails to acknowledge

that it is located in a conservation area. However, the development's acceptability and compliance with Policy HE2 is on the grounds that it is of a similar standard of design and construction to the shopfront it has replaced and as such is deemed to have a neutral impact on the character of the Fraserburgh Town Centre Conservation Area.

### *Conclusion*

- 6.6 In light of the above, the application is deemed to comply with Policy P1 as the development is not considered to have an adverse impact on the character of the existing building or surrounding area and Policy HE2 of the 2017 Aberdeenshire Local Development Plan as it is considered that the development has a neutral impact on the character and appearance of the Fraserburgh Town Centre Conservation Area. As such, the application is 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 Aberdeenshire Local Development Plan 2017 or the Aberdeen City and Shire Strategic Development Plan 2014 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 That authority to GRANT be delegated to the Head of Planning and Building Standards.**

**11.2 Reason for Decision**

The proposed development accords with Policy P1 and Policy HE2 of the Aberdeenshire Local Development Plan 2017 and there are no material considerations which indicate that permission should be refused.

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author of Report: Lisa Crossan**  
**Report Date: 29 March 2019**

**PLANNING APPLICATION FOR DECISION  
5A REFERENCE NO. APP 2019/0164**

**FULL PLANNING PERMISSION FOR ALTERATIONS TO SHOP FRONT  
(RETROSPECTIVE) AT PEARTREE COFFEE HOUSE AND BISTRO, 61 HIGH STREET,  
FRASERBURGH.**

**Applicant:** Mr Hamish Partridge

**Agent:** Ecotech Architecture

With reference to the Minute of Meeting of 16 April, 2019, (Item 6D), there had been circulated a report dated 29 March, 2019 by the Director of Infrastructure Services, requesting Members consideration of a retrospective application for Full Planning Permission for Alterations to Shop Front at Peartree Coffee House and Bistro, 61 High Street, Fraserburgh.

Councillor Partridge (applicant); and Councillors Cox, Topping, and Reynolds, having declared an interest in the application, withdrew and took no part in the discussion of this item.

Having heard from officers that the sole reason for referral for Committee consideration was that the applicant was an Area Councillor, and that otherwise the application could have been determined under delegated powers, there was discussion of the need for absolute transparency in determining the application.

The Committee **agreed** to refer the matter simpliciter to the Infrastructure Services Committee for determination. The Committee wished the application to be considered by a Committee that would consider the application completely impartially rather than by the Banff and Buchan Area Committee which had a closer working relationship with the applicant.