Report To Banff & Buchan Area Committee – 21 August 2018

Reference No: APP/2018/1041

Full Planning Permission for Alterations, Sub Division and Change of Use of Unit 3B to Hot Food Takeaway (Sui Generis) at Unit 3, South Harbour Road, Fraserburgh

Applicant: Varied Portfolio Assets Ltd
Agent: Ryden LLP

Grid Ref: (E) 399862 (N) 865595
Ward No. and Name: W03 – Fraserburgh and District
Application Type: Full Planning Permission
Representations: 0
Consultations: 2
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017
Designations: Fraserburgh settlement, South harbour Road Commercial centre
Complies with Development Plans: No
Main Recommendation: Approve

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.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.

1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. **Background and Proposal**

2.1 This application seeks Full Planning Permission for the subdivision of an existing retail unit in tandem with the change of use of one of the newly formed units into a Hot Food Takeaway.

2.2 The site is found within the existing South Harbour Road retail park, consisting of fellow retail units and bulky good stores. The site and surrounding area are included within the CC1 designation according to the settlement statement for Fraserburgh as included within the Aberdeenshire Local Development Plan 2017. Location and site plans are attached as Appendices 1 and 2.

2.3 The only exterior changes to the building is the formation of a new doorway to allow each unit its own respective entrance in addition to a new fire door on the south elevation. The changes are illustrated in Appendices 5 and 6. A new internal wall will create two smaller units. One measuring 2292 square feet, which would continue in retail use and a 1742 square feet unit which would become the hot food takeaway. The internal changes to the layout are shown in Appendices 3 & 4.

2.4 Due to a lack of interest upon marketing the premises since August 2017 the developers have sought - in order to introduce a degree of flexibility and potentially attract new tenants - to subdivide the unit.

2.5 The site has existing and ample parking provision to front of building and direct connection to South Harbour Road and onwards into the local roads network.

3. **Representations**

3.1 No valid letters of representation have been received.

4. **Consultations**

4.1 **Infrastructure Services (Environmental Health)** do not object to this application.
4.2 **Infrastructure Services (Roads Development)** do not object to this application.

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 B2 Town centres and office development
Policy P1: Layout, siting and design
Policy RD1 Providing suitable services

5.4 **Other Material Considerations**

None
6. Discussion

6.1 This application seeks Full Planning Permission for the subdivision of an existing edge of town retail unit in tandem with the change of use of one of the newly formed units into a Hot Food Takeaway. Therefore the key planning considerations are to assess the potential impact of the development upon the associated town centre as well as compliance with applicable policy relating to layout, siting and design in addition to the access and servicing of the site.

Principle

6.2 In terms of the submitted proposal the Planning Service has no concerns with the subdivision of the existing unit and understands the pressures and demands of the retail sector to remain flexible, competitive and in touch with local trends and consumer expectations. By creating two smaller units this may increase the chances of a potential tenant given the lack of interest received in the marketing for the unit as existing.

Impact on Town Centre

6.3 However the site is found within the CC1 allocation of the Fraserburgh settlement statement of the Local Development Plan, the overview of which reads:

This site was previously allocated in the 2012 LDP. It is the preferred location for bulky comparison outlets if town centre sites are not available ….A core path is located in close proximity to the site and suitable connections to it should be made through the site layout.

6.4 On this basis it would normally be expected due to this allocation that this building would be the preferred option for the sale of bulky retails good within the town before any other potential uses.

6.5 However, on balance, it is the view of this service that the creation of a fast food unit upon this site would not be at odds with this allocation as the applicant has demonstrated that a sequential test has been undertaken, showing other units in the town centre had been considered and deemed unsuitable, whilst also marketing the current property for a minimum of 12 months with little to no interest generated.

6.6 Furthermore the site benefits from sufficient parking and good transport linkages whilst the building requires minimal external alterations as part of the proposed sub division of the unit.

Other matters

6.7 The changes to the exterior of the premises are minimal and considered to have no detrimental impact on the character of the property or the surrounding area. There is thus no conflict with Policy P1 (layout, siting and
design) as contained in the Local Development Plan. Similarly it is considered that the site can be adequately serviced for the nature of the business proposed, and there is thus no conflict with Policy RD1 (Providing suitable services).

**Conclusion**

6.8 Therefore although not strictly complying with the aim of the CC1 allocation, which would ideally seek for bulky goods sales to be located within this building, the Planning Service is of the view that the proposed fast food takeaway facility can be supported on this site as an acceptable departure from the plan.

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**

   Departure from CC1 allocation
10.3 The application is a Departure from the valid Local Development Plan or Strategic Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

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** subject to the following conditions:-

   No Conditions

11.2 That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan 2017.

   The development can be accepted in the CC1 allocation as the proposed use is not completely at odds with the aims and objectives of such allocation. Furthermore the applicant has undertaken the necessary actions to demonstrate that there are no suitable sites within the town centre for the proposed development in addition to marketing the unit in its current form for a minimum of 12 months with no interest received, indicating that the unit may be unviable in the current economic climate and thus requiring to seek alternatives.

For noting:-

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.”

Stephen Archer  
Director of Infrastructure Services  
Author of Report: Stuart Newlands  
Report Date: 6 August 2018
APPENDIX 1
Location Plan

LOCATION PLAN - 1:1250

[Diagram of location plan with various labels and symbols, including 'TESCO' and 'LIDL'.]
APPENDIX 4
Proposed Floor Plan
APPENDIX 5
Existing Elevations

EXISTING EAST ELEVATION

EXISTING WEST ELEVATION

EXISTING SOUTH ELEVATION
APPENDIX 6
Proposed Elevations