

Buchan Area Committee Report 11 May 2021

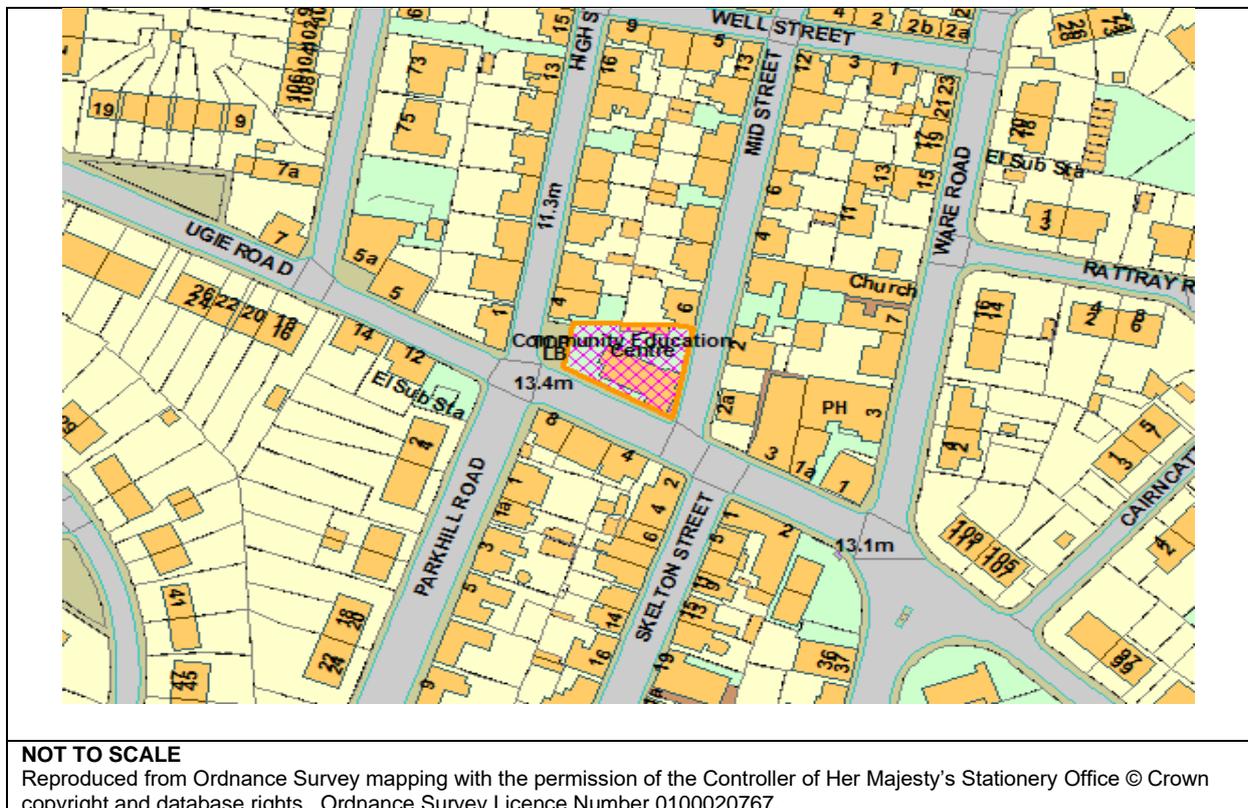
Reference No: APP/2020/2203

Full Planning Permission for Erection of Outbuilding at Buchanhaven Heritage Centre, Ugie Road, Buchanhaven, Peterhead, Aberdeenshire, AB42 1NR

Applicant: Peterhead Community Council, Per Agent
Agent: Baxter Design Company, 1 The Square, Mintlaw

Grid Ref: E:412736 N:847075
Ward No. and Name: W05 - Peterhead North And Rattray
Application Type: Full Planning Permission
Representations: 0
Consultations: 1
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017
Designations: Rural Housing Market Area; Buchanhaven Conservation Area

Complies with
Development Plans: No
Main Recommendation: Refuse



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.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

- Cllr. Dianne Beagrie - Further discuss policy HE2
- Cllr. Alan Buchan - Further discuss Policies P1, P3 and HE2

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 erection of an outbuilding within the grounds of the Buchanhaven Heritage Centre, which is an existing visitor centre, at Ugie Road, Peterhead. The building is situated within the Buchanhaven Conservation area (Appendix 1 – Location and Site Plan, and Elevations and Floor Plan).

2.2 The proposed structure measures 6.5 metres long, 4.5 metres wide and 3.3 metres tall at the highest point of its mono-pitch roof which is along its southern elevation. The structure would be set on legs in order to counter the sloping nature of the site which slopes towards the north (rear) and east of the site. A ramp measuring 3.9 metres in length would be provided to allow access to the main door found upon the south elevation. A double paned window measuring 1.8 metres wide would also be provided on the south elevation.

2.3 Exterior materials would include a mono-pitch grey box profile metal sheet roof, horizontal timber cladding painted/ stained brown, whilst a single door and single window, both finished in rosewood UPVC, would be installed within the south elevation, which fronts onto Ugie Road.

2.4 The proposed building would be located in the north-west corner of the site relating to the Heritage Centre, with the principal building occupying the middle-to-south-west corner of the site and an existing outbuilding being found along the northern boundary.

2.5 The site is bound to the north by the rear curtilages belonging to the domestic properties of 4 High Street and 1 Mid Street, to the east by Mid Street, to the south by Ugie Road and to the west by a small area of vacant land, beyond which is High Street. A granite wall surrounds most of the site along its boundary, some 1.5 metres in height approximately.

2.6 Relevant Planning History
APP/2015/3081 Installation of Replacement Windows and Slate Vents.
Granted 6 November 2015.

2.7 Variations and Amendments

The originally submitted plan was updated to include balustrade details. These are shown in revised drawing reference 20089-P1 (3).

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Infrastructure Services (Environment- Built Heritage)** in its initial comments raised concern in respect of the proposed building not being traditional in terms of its roof (mono-pitch not traditional pitched), the roofing materials which should be a corrugated iron, treatment of the timber on the walls, and the proposed uPVC windows.

Upon receipt of an amended plan, the Environment Team had similar concerns to that previously raised. Although did state that the proposed shiplap profiled timber cladding is welcomed but suggest a traditional exterior treatment rather than a modern clear stain or varnish to avoid it having the appearance of a garden shed.

The Environment Team has negotiated with the applicant, and had suggested elements of compromise, but there is an unwillingness for amendments to the proposed development. Ultimately as submitted, the application is in conflict with Policy HE2 Protecting historic and cultural Areas.

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 2020

The Strategic Development Plan was approved on 12 August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years. 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.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Aberdeen City & Shire SDP 2020 as approved forms part of the Development Plan.

5.3 Aberdeenshire Local Development Plan 2017

Policy P1 Layout, siting and design
 Policy P3 Infill and householder developments within settlements (including home and work proposals)
 Policy HE2 Protecting historic and cultural Areas

5.4 Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5 March 2020 resolved to agree the Proposed Aberdeenshire Local Development Plan (LDP) 2020 as the 'settled view of the Council' on what the final adopted content of the LDP 2021 should be. A period during which representations on the Proposed LDP 2020 could be made took place between 25 May and 31 July 2020.

The Proposed LDP 2020 is a material consideration in the determination of planning applications. The Planning Authority must therefore assess what weight it should have in the context of this particular application. The Proposed LDP has been subject to public scrutiny and has now been submitted for Examination by an independent Reporter. Nevertheless, it is

considered that the level of weight that should be applied to the Proposed LDP 2020 remains as not significant at this time. The Aberdeenshire LDP 2017 remains the up-to-date LDP for the area and the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

5.5 Other Material Considerations

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Buchanhaven Conservation Area Appraisal- Approved by Buchan Area Committee 20th December 2016.

Historic Environment Policy for Scotland, April 2019.

Guidance on Conservation Areas, Historic Environment Scotland, April 2019.

Managing Change in the Historic Environment: Setting

6. **Discussion**

- 6.1 Full planning permission is sought for the erection of a non-domestic structure in relation to an existing visitor centre found within the Buchanhaven Conservation Area. The key planning issues to consider are therefore the principle of development and the layout, siting and design of the proposal in the context of its relationship with the surrounding Buchanhaven Conservation Area.

Principle of Development

- 6.2 As the site is found within the confines of an existing settlement, Policy P3 Infill and householder developments within settlements (including home and work proposals) is the most appropriate policy to assess the merits of this application against in order to establish whether the principle of development can be supported. This policy seeks to support development on vacant sites within a settlement boundary which have no specific land use allocation (also known as infill developments) so long as the development respects the scale, density and character of its surroundings and will not erode the character or amenity of the surrounding area.
- 6.3 The site is also found to be located within the Buchanhaven Conservation area, which is comprised of a relatively small network of streets and a section of coastline, including the harbour and pier and home to an array of traditionally constructed dwellinghouses which encompass traditional external materials including stonework and natural slate.
- 6.4 Although the Planning Service is satisfied that the proposal does not raise any concerns in terms of impact upon the amenity of adjacent properties by means of overlooking, overshadowing or overlooking, concerns remain

regarding the ability of the proposed structure to visually integrate with its surroundings. The physical characteristics of the proposed structure in addition to external detailing the proposed development would be at odds with its traditional context and therefore not meet the requirements of Policy P3 Infill and householder developments within settlements (including home and work proposals). Further discussion on this matter is found in more detail in the following section.

Layout, Siting and Design, and impact on the Conservation Area

- 6.5 Due to the proposal being located within the Buchanhaven Conservation Area, the Environment Team (Built Heritage) was consulted for its views regarding the proposed development. In its initial response four key issues were identified which it confirmed if suitably addressed would allow for it to not object to the proposed development as such changes would make the proposal acceptable within the context of the Buchanhaven Conservation Area. The issues were:
1. The mono-pitch roof – it was suggested this be amended to a pitch roof to reflect the existing form and character observed throughout the Conservation Area
 2. The uPVC window and door- these features should be amended to timber.
 3. Clarification on the construction and material of the proposed balustrade; and
 4. Clarification of the proposed finish of the exterior timber cladding.
- 6.6 In response an updated plan was submitted showing the construction detail of the balustrade whilst confirming a brown painted/stained finish to the exterior cladding. However, in terms of the provision of a mono-pitch roof and of a timber window and door cited the agent cited financial constraints of the applicant, given it is a charitable organisation, whilst noting their intention of attempting to match existing design features of the adjacent heritage centre and existing outbuilding as justification for proposing the PVC window and mono-pitch roof features respectively. Furthermore, the applicant considers the maintenance of wooden windows and door more involved than the maintenance of the wooden walls. The applicant also advised that the size of the structure is mainly in response to the ongoing Covid-19 pandemic whilst contesting that the building proposed would not detract from any traditional buildings in the immediately surrounding area.
- 6.7 Built Heritage, whilst recognising the size of the building in terms of footprint due to Covid-19 and also willing to accept the horizontal cladding, nevertheless confirmed that financial constraints are not a material consideration in achieving the best quality design for the structure which was deemed to conflict with both applicable national and local planning policy and the Buchanhaven Conservation Area Appraisal. Maintaining that a pitched roof, timber casement window and door should be provided in order to achieve a more traditional exterior for the structure which would allow for the proposal to be supported in the context of applicable policy and guidance.

- 6.8 The impact of the proposed building upon the historic integrity of the Conservation Area must be considered and the design as submitted. Furthermore, it is noted that no costings were submitted to support any of the statements made by the applicant on its behalf, and it is contended that such installations are often on par with one another in terms of cost (timber versus uPVC, and mono-pitch versus a ridge roof).
- 6.9 Despite agreeing an initial compromise whereby the Built Heritage team was willing to concede further on certain design elements for the assurance that timber doors and windows were to be provided, and having facilitated subsequent discussions, the applicants have since rejected this idea and instead requested that the proposal revert back to its original state with a mono-pitch roof and uPVC fittings.
- 6.10 A final suggestion was to rotate the building 90 degrees to re-orientate it so that the uPVC openings were less visible from any public view. This too was declined by the applicant, although at that time no reason was provided. But it was noted by the agent there was no technical reason to not enable this, but the applicants dismissed it nevertheless. In updated comments (received 23 April 2021) the applicants considered that rotating the building would make the space slightly less functional, and the entry door would not present itself as well to the general public on entry through the gate.
- 6.11 As the applicant is unwilling to amend the application beyond what was originally submitted the application must be determined in accordance with the plans as submitted.
- 6.12 Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 describes conservation areas as "...areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance".
- 6.13 Policy HE2 states that development which does not preserve or enhance the character or appearance of a conservation area will not be supported. The Buchanhaven Conservation Area appraisal states that "Aberdeenshire Council will only approve new development... within a conservation area... if...the design is of the highest quality, and respects and enhances the architectural, historic and visual qualities that give rise to the designation."
- 6.14 The Buchanhaven Conservation Area appraisal notes that in the historical records, around 1850, a new school was built to serve Buchanhaven. The site subject to this application is that historic school which is referenced in the document, which the appraisal states little alteration to the original design in terms of architectural form. The Appraisal mentions threats to the Conservation Area include use of inappropriate materials and also loss of original architectural detail.
- 6.15 In terms of design of the proposed development and all the elements taken together, the mono-pitch roof, horizontal cladding, uPVC window and door,

altogether the shed is not appropriately designed. It is to be sited in a highly prominent location viewable from three public roads. No evidence has been submitted in terms of the additional costs which the applicants claim as a result of the required amendments, it has put its need for a larger footprint ahead of the visual impact. In addition, no context has been provided of how the design relates to the historical elements and also how the proposed development preserves or enhances the appearance of the Conservation Area.

- 6.16 Accordingly due to the design of the proposed development in a prominent public location, the application is contrary to the Aberdeenshire Local Development Plan 2017. The proposed development, which by virtue of its design and also the proposed materials, represent an alien feature in the context of the surrounding Conservation Area and therefore is in direct conflict with the aims and objectives of Policy P1 Layout, siting and design, Policy HE2 Protecting historic and cultural Areas, and also the Buchanhaven Conservation Area Appraisal. Furthermore it is in conflict with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland, April 2019, and the Guidance on Conservation Areas, Historic Environment Scotland, April 2019, as it fails to enhance and/or preserve the appearance and/or the character of the Conservation Area, which is a statutory duty placed on Planning Authorities to ensure development is only of a high quality design within such historic designations.

Conclusion

- 6.17 In conclusion, the application conflicts with Policy P1 Layout, siting and design, Policy P3 Infill and householder developments within settlements (including home and work proposals) and Policy HE2 Protecting historic and cultural Areas of the Aberdeenshire Local Development Plan 2017 as the proposed development incorporates a design and non-traditional features which would make it at odds with the surrounding conservation area. This would not only fail to comply with applicable national and local policy but also the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 199 and the Buchanhaven Conservation Area Appraisal which is a material planning consideration.

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

Policy P1 Layout, siting and design
 Policy P3 Infill and householder developments within settlements (including home and work proposals)
 Policy HE2 Protecting historic and cultural Areas

- 10.3 The application is a Departure from the valid Local 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 **REFUSE Full Planning Permission for the following reason:-**

01. The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017.

The application conflicts with Policy P1 Layout, siting and design, Policy P3 Infill and householder developments within settlements (including home and

work proposals) and Policy HE2 Protecting historic and cultural Areas of the Aberdeenshire Local Development Plan 2017 as the proposed development is of an unsuitable design and introduces non-traditional features which would make it at odds with the historic quality of the Buchanhaven Conservation Area.

The application also fails to comply with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland, April 2019, and the Guidance on Conservation Areas (Historic Environment Scotland, April 2019) as it fails to enhance and/or preserve the appearance and/or the character of the Conservation Area, which is a statutory duty placed on Planning Authorities to ensure development is only of a high quality design within such historic designations. Furthermore, it is in conflict with the Buchanhaven Conservation Area Appraisal which is a material planning consideration

Alan Wood
Director of Infrastructure Services
Author of Report: Stuart Newlands
Report Date: 27 April 2021

