

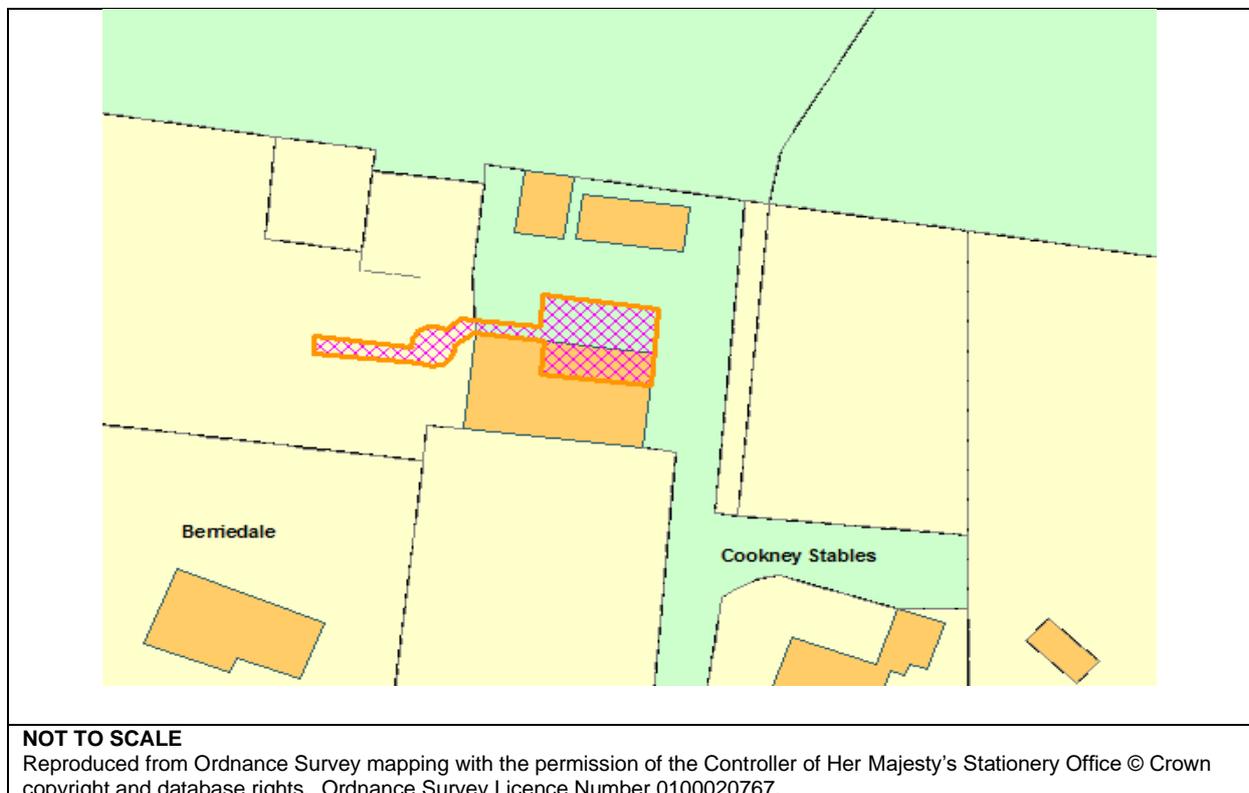
Kincardine and Mearns Area Committee Report 16 November 2021

Reference No: APP/2021/1111

Full Planning Permission for Part Change of Use and Conversion of Garage/Store to Food Preparation and Office (Catering Business) at Cookney Stables, West Cookney, Netherley, Stonehaven, Aberdeenshire, AB39 3SA

Applicant: Ms Veronica Forbes, Cookney Stables, West Cookney, Netherley, Stonehaven, AB39 3SA
Agent: Keith Allardyce, Allardyce Design Ltd, 15 Golden Square, Aberdeen, AB10 1WF

Grid Ref: E:386540 N:793398
Ward No. and Name: W17 - North Kincardine
Application Type: Full Planning Permission
Representations: 0
Consultations: 1
Relevant Proposals Map: Aberdeenshire Local Development Plan
Designations: Aberdeen Housing Market 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 Colin Pike; 'There appears to be an objection from the roads development team which is contradictory saying in response dated 17th May that a visibility of 2.4m by 120m is provided whilst later on 25th August it states 2.4m by 90 metres doesn't provide this. On balance, the Area Committee should be allowed to determine the application as the vehicular movements implied would be commensurate with the current domestic dwelling. The percentile speeds in either direction are variable and likely below the road classification designation. I would suggest that there is no planning policy issue here merely a technical objection that can be resolved.'
- Cllr Alastair Bews 'I wish to receive further information to explore the objection from the Roads department.'

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 The application site is located approximately 400m west of Cookney settlement. The domestic curtilage of Cookney Stables covers approximately 0.56Ha and encompasses several outbuildings used for garages and storage purposes. The boundaries of the property are marked with dense vegetation. The road elevation of the site is defined by a wall and mature hedge. The site has residential properties on two sides.

2.2 Full planning permission is sought for the part change of use of the larger of the outbuildings (41sqm of the 260sqm floor area) into a food preparation unit associated with a food catering business operated by the applicant's daughter. The business provides food catering for corporate, social gatherings and events. The premises would be used for pre-event food preparation, food and equipment storage and administration. No food delivery or collection would be offered and the number of vehicular movements is expected to involve one weekly delivery of food and between 2 and 6 daily visits to and from the site by the business owner. No new access from the public road is proposed. A new septic tank is proposed to serve the new use.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Environment and Infrastructure Services (Roads Development)** objects to the proposed development because of the substandard visibility at the access but has advised that it would remove its objection if the applicant agreed to move the existing boundary treatments to the rear of the visibility window and that any overhanging vegetation was cut back and maintained in perpetuity.

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 (SDP) 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 R2: Housing and employment development elsewhere in the countryside

Policy RD1: Providing suitable services

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

None

6. **Discussion**

6.1 The key issues relating to the proposed development are:

- Development principle;
- Layout, siting and design; and
- Technical matters.

Development Principle

- 6.2 The proposal is located within the Aberdeen Housing Market Area where new business proposals are not generally supported by Policy R2: House building and employment development elsewhere in the countryside. However, although the business owner does not reside at the site, this type of small-scale operation would have been considered as a working from home proposal had the business been operated by the applicant. Taking cognisance of the close relationship between the applicant and the business owner (mother and daughter) and the location of the business within a domestic curtilage, its ability to expand beyond a scale compatible with a domestic property is very limited. In addition, any further change of use/expansion of the building would require full planning permission. For these reasons, the Planning Service would be willing to support the proposed development as a departure from policy in principle. The business would be well located to serve customers in Aberdeen and Aberdeenshire.

Layout, siting and design

- 6.3 The proposal described in section 1 would not alter the external appearance of the building to a significant extent and there would be no significant impacts on the amenity of the area due to an increase in traffic along the public road. Indeed, the business is to be operated by the applicant's daughter and, as discussed in section 1, the nature of the business is unlikely to increase traffic on the road network to a significant extent. As such, it is considered that the proposal complies with Policy P1: Layout, siting and design. No letters of representation have been submitted.

Technical Matters

- 6.4 In terms of access and servicing, Environment and Infrastructure Services (Roads Development) objects to the proposal on grounds of poor visibility at the site access. The Planning Service considers that there would be an increase in the intensity of use of the access beyond what could be expected from a domestic property because of the proposal. However, it is acknowledged that visibility at the access is currently reduced by the boundary wall and hedge. Infrastructure Services (Roads Development) has commented that moving the walls behind the visibility splays and cutting back the hedge would address its concerns. However, as the applicant is unwilling to move the wall, the access fails to meet the required visibility standards and as such, the proposal does not comply with Policy RD1: Providing suitable services.
- 6.5 In terms of drainage, the proposed food preparation area would connect to a new septic tank.

Conclusion

- 6.6 The proposal would be located within the domestic curtilage of the applicant's dwelling house and is of a scale that is unlikely to result in significant adverse impacts on the local amenity. However, the access fails to meet the required visibility and as such, the proposal is considered contrary to Policy RD1: Providing suitable services.

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 integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 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.
- 8.4 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.

9. Departures, Notifications and Referrals

9.1 Strategic Development Plan Departures

None

9.2 Local Development Plan Departures

Policy R2: House building and employment development elsewhere in the countryside

Policy RD1: Providing suitable services

- 9.3 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.

9.4 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.

10. **Recommendation**

10.1 **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. Access to the development from the public road is considered unsafe as it does not provide the required visibility splays. As such it is considered that the development fails to comply with Policy RD1: Providing suitable services.

Alan Wood

Director of Environment and Infrastructure Services

Author of Report: Aude Chaiban

Report Date: 15 September 2021

