



## Banff & Buchan Area Committee Report – 25 January 2022

Reference No: APP/2021/1398

**Full Planning Permission for Change of Use and Alterations of Public House to 2 Dwellinghouses at The Ship Inn, 7 Deveronside, Banff, AB45 1HP**

**Applicant: Mr George Wood**  
**Agent: James G Ironside Ltd**

Grid Ref:	E:369032 N:864182
Ward No. and Name:	W01 – Banff and District
Application Type:	Full Planning Permission
Representations:	6
Consultations:	7
Relevant Proposals Map Designations:	Aberdeenshire Local Development Plan 2017 Banff 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.8.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises.
- 1.2 This application was deferred at the last meeting of the Banff and Buchan Area Committee on 02 November 2021 for consideration to allow for an Integrated Impact Assessment to be carried out.
- 1.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report 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 for Change of Use and Alterations of Public House to 2 Dwellinghouses at the Ship Inn, 7 Deveronside, Banff.
- 2.2 The site is an 18<sup>th</sup> century, L-shaped 2½ storey public house which is category-C listed and within the Banff Conservation Area. The site is bound to the east by the public road Deveronside, which provides access to the site and is the main entrance of the building. This principal elevation faces directly east towards the Banff Bay. The west is bound by the public road High Shore, which provides access to the rear of the building. The north is bound by a public footway which provides access between Deveronside and High Shore. Immediately north of this is a garage block and the neighbouring dwelling 10 Deveronside. The south is bound by the dwellings 9 Deveronside, 32 High Shore and 30a High Shore, which are currently vacant and derelict. The surrounding area is characterised by primarily residential uses. A location/site plan is attached as **Appendix 1**.
- 2.3 The existing building is split into two distinct halves on the external east-facing principal elevation, separated by the concrete roof tabling. The southern half is finished with a lime harl, and the northern half with a light grey harl. The building has a slate gable roof. Each half of the building has a timber panel door. The southern half features “The Ship Inn” entrance sign and logo in black and white and the northern half has a stonework feature around one of the ground floor windows. The principal elevation has four white timber sash and case windows on the ground floor elevation and five of the same style on the first floor. The rear of the building has a small courtyard area, with various windows and doors providing access to different areas of the pub and rear access to High Shore. There is a lean-to extension on the west elevation which currently contains the kitchen and the male and female toilets. The walls of the rear of the building is stonework on the south elevation and a combination of the lime/light grey harling on the walls of the other elevations. Details of existing elevations are illustrated in **Appendix 2**.
- 2.4 It is proposed to convert the public house into two dwellinghouse in the form of two flats. This will require internal and external alterations of the existing pub. Internally, the existing bar and lounge areas will be refurbished with bars and panelling being removed as well as all of the fixed seating to allow the

required amount of space for each flat. Both dwellings will continue to have access off Deveronside as the main entrance and to the courtyard at the rear for storage and use of bins.

2.5 The external alterations to facilitate the change of use are relatively small-scale and would involve the replacement of the existing doors on the principal east elevation with new timber style panel doors in black, with white painted timber frames. The existing windows on the east elevation will be retained and painted white. The single north elevation window be replaced with a new white timber sash and case window in the existing opening to match the east elevation windows. The west elevation will have a new rear panel entrance door in anthracite grey timber. A new window will also be formed on the west elevation to the bedroom area of flat 2, which is top hung in timber painted white. The south elevation will have a new door to the living area of flat 1, the lower half of this door is lined panel timber painted white, with the upper half of the door also functioning as a window with glazing and astragals. Adjacent to this door will also be a new horizontal window in the existing opening to the kitchen area of flat 1 which will be top hung in timber painted white. Proposed elevations are illustrated in **Appendix 3**.

2.6 None of the first floor windows will be affected by the proposal and the existing wall finishes will be retained around the entire building. The enclosed court yard will be retained and all new internal drains will connect to the existing external drains in the court yard which connect to the existing public foul water drainage system.

## 2.7 Planning History

APP/2021/1523 – Listed Building Consent for External and Internal Alterations to Form 2 Dwellinghouses (pending). A tandem application to that for Full Planning Permission. No representations were submitted in respect of this application for Listed Building Consent, however, and thus if Committee is minded to approve the application for Full Permission, this application will be determined under delegated powers.

ENQ/2020/1877 – Pre-application enquiry for Change of Use of Public House to 2 Residential Units. Advice provided indicated that the development is likely to be supported.

APP/2013/2481 – Full Planning Permission for Part Change of Use of Public House to Include Sale of Food and Drink (Class 3) and Hot Food Takeaway (Sui Generis). Approved September 2013.

## 2.8 Supporting Information

Design statement (15 July 2021) – includes photographs of the building's interior and courtyard area. Provides explanation of works being undertaken and justification for the siting of the various doors and windows.

Parking Survey (17 September 2021) – Report as per the request of Roads Development. Findings show that there is a suitable area to the front of the existing building to accommodate 3 on-street parking spaces.

## 2.9 Variations and amendments

17 September 2021 – Revised drawings showing updated materials for windows (timber or uPVC) and details of new west elevation door, which is no longer glazed and instead is full timber panel style.

12 October 2021 – Revised drawings show south elevation door which was previously fully glazed has been changed to a timber lined lower half, with a single fixed pane on the upper half with no detailing.

14 October 2021 – Final revised drawings show that all new windows will be timber only. The new south elevation door/window will have astrigals on the upper half glazed section. A detailed drawing of this door/window on the south elevation door was also provided.

## 3. Representations

3.1 A total of 6 valid representations (6 objections) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 6 letters in total. All issues raised have been considered. The letters raise the following material issues:

- *Remaining as a business would make it more likely to attract visitors to the town and help the local community with regards to jobs.*
- *The listed building has historic importance. Remaining as a public house would retain its heritage for the future.*
- *Concerns over the loss of structures within the building which contribute to its character*
- *Suggestion that the pub is a tourist attraction due to being featured in the film 'Local Hero' and the setting of the pub on the mouth of the River Deveron at the Bay of Banff with its wildlife attractions and recreational opportunities. The proposal therefore should be assessed with respect to Aberdeenshire Local Development Plan 2017 policy B3 tourist facilities which means it should be marketed for at least 12 months if the business is no longer viable before it is converted to another use.*

## 4. Consultations

4.1 **Businesses Services (Developer Obligations)** confirm that developer contributions have been agreed toward facilities at the Macduff Medical Practice and the Macduff Recycling Centre or other such facility.

4.2 **Economic Development & Protective Services (Business Development Executive)** was consulted but advised that no documents have been submitted to accompany the planning application upon which Economic Development can provide suitable commentary.

4.3 **Infrastructure Services (Archaeology)** do not object to the application subject to a condition that no works in connection with the development will commence unless a photographic survey of the existing builds and structures on the application site has been submitted to and approved in writing by the Planning authority.

4.4 **Infrastructure Services (Contaminated Land)** initially requested further information regarding the activities undertaken on site. The information

provided on the former use of the site indicated there is no evidence of any past use which might have caused contamination. It has no further comments to make.

- 4.5 **Infrastructure Services (Environment – Built Heritage)** Initially requested more detailed photographs of the interior fittings to assess the significance of the proposed reconfigurations. More detailed drawings of all new doors and windows were also requested. Further photographs highlighted that the interior of the building had been subject to significant change in the post war period and thus there was no longer any internal features which merited retention. The internal reconfiguration of the building therefore could be conceded by the Planning Service.
- 4.6 Regarding the external alterations, the initial plans proposed that the new doors would be composite and windows would be white timber or uPVC. This could not be supported as non-traditional materials such as composite and uPVC are not acceptable installations on a listed building. Furthermore, a full length glazed door/window was also proposed on the south elevation but was not deemed appropriate as it would detract from the character of the existing building. This was also the case for the proposed door on the west elevation which featured a large glazed panel. Revised drawings now show that all new and replacement windows and doors will be constructed of timber. Following negotiation, the proposed door on the south elevation will now function as both a door and window. The lower half is a white lined timber door, with the upper half being a window with astragals to provide light into flat 1. The proposed west elevation door is now fully panelled timber. The proposal can now be supported by the Planning Service as the concerns regarding the new windows and doors have been addressed and will secure the long-term use of the property.
- 4.7 **Infrastructure Services (Roads Development)** Objected to the proposal as there are insufficient parking spaces proposed for the application. A parking survey was required to determine if there is sufficient space in the local area to accommodate the shortfall in parking. The parking survey provided by the agent determined that there is a suitable area to the front of the existing building to accommodate the required parking spaces. Roads Development confirmed the survey was satisfactory and therefore no longer object.
- 4.8 **Scottish Water** do not object to the proposal but cannot confirm capacity for water treatment.

## 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

Policy P4: Hazardous and potentially polluting developments and contaminated land

Policy HE1: Protecting historic buildings, sites, and monuments

Policy HE2: Protecting historic and cultural areas

Policy RD1: Providing suitable services

Policy RD2: Developer's obligations

## 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 planning issues to be discussed in the determination of this application is the acceptability in principle of the change of use from a public house to two dwellinghouses and whether this change would negatively impact the character of the conservation area and listed building.

### Principle of development

- 6.2 The principle of development is assessed against policies P3 Infill and householder developments within settlements, HE1 Protecting historic buildings, sites, and monuments and HE2 Protecting historic and cultural areas.
- 6.3 Policy P3 supports development on vacant sites within a settlement boundary that have no specific land use allocation, as 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. This policy applies to applications to change the use of existing buildings within settlements. As the area surrounding the site comprises of predominantly residential land uses, there would be no concern with the provision of further residential properties in this area. The proposals do not create any significant amenity concerns in terms of overlooking and overshadowing, as the external alterations to the building are small-scale and would not create any structures that could cause overshadowing. The majority of window alterations are in already existing openings and therefore do not contribute to a loss of privacy. The new proposed windows which face the courtyard of the rear of the building do not provide views of the opposing dwelling or any other neighbouring house therefore would not result in a significant loss of privacy. Overall, the change of use from a public house to two dwellinghouses would not significantly impact the character or amenity of the surrounding area given the low amount of external alterations, and therefore the proposal therefore complies with policy P3.
- 6.4 Policy HE1 does not allow development that would have a negative effect on the character, integrity or setting of listed buildings, whilst policy HE2 does not support development that would not preserve or enhance the character or appearance of a conservation area. The internal alterations required to form the dwellings initially required more information to determine the significance of the internal fittings. Upon assessment of further photographs provided by the agent and site visit photos, Infrastructure Services (Environment – Built heritage) found that the interior of the building has been subject significant change in the post war period and therefore the internal reconfiguration works to form the dwellings can be conceded as there are currently no fittings of architectural or historic which merit retention. The proposed internal works to

the building therefore would not significantly detract from the character of the listed building and complies with policy HE1.

- 6.5 Considering the external alterations, a relatively small amount of work is needed to facilitate the conversion and so would not significantly alter the external appearance of the building. Two doors will be replaced with timber style panel doors on the east elevation, with all other windows on this elevation being retained and painted white. The new window on the north elevation is timber sash and case, which is in keeping with the character of the area and suitable for the listed building and conservation area. The new windows and doors on the south and west elevation initially raised concerns with the large amount of glazing and non-traditional materials, however, as the new windows are now proposed as timber only and not uPVC, this is an acceptable solution. The proposed south elevation door which was originally fully glazed, now has a timber lined lower half and glazed upper half with astragal detailing, which would be in keeping with the character of the conservation area and suitable for the listed building. The proposed west elevation door which previously shown as having a large glazed panel, has now been removed and is fully timber panelled, therefore representing an improved version of the proposed access. Having addressed the concerns raised about the design and construction of the new doors and windows, the proposal complies with policies HE1 and HE2 as it will secure the long term use of the 18<sup>th</sup> century property and would not detract from the character of the building or conservation area.
- 6.6 Infrastructure Services (Archaeology) did not object to the proposal but noted that the works affect archaeology site NJ66SE0455 and therefore a condition should be applied to any permission which requests that no works in connection with the development will commence unless a photographic survey of the existing builds and structures on the application site has been submitted to and approved in writing by the Planning Authority. The proposal therefore complies with policy HE1.

#### Layout, siting and design

- 6.7 The proposed windows are all constructed with timber and will be painted white. This matches the existing windows found on the east elevation of the building. The proposed doors are also fully timber, using lining or panels. The black/dark grey finishes of the doors match the existing doors and so also would not detract from the character of the building. The windows and doors either match or are similar in style to the existing windows and doors and so would not detract from the character of the building or surrounding area. In any case, the proposed external alterations would be acceptable as they make use of traditional materials and design features. Furthermore, the orientation and layout of the proposed dwellings do not raise any significant amenity concerns. Therefore, the proposal complies with policy P1.

#### Contaminated Land

- 6.8 Policy P4 Hazardous and potentially polluting developments and contaminated land does not support development if there is a risk that it could cause significant pollution, create a significant nuisance, or present an unacceptable danger to the public or the environment. Infrastructure Services (Contaminated Land) confirmed after receiving information relating to past use

that there are no concerns regarding contaminated land for this proposal, and therefore complies with policy P4.

#### Technical considerations – Access and servicing

- 6.9 Roads Development initially objected to the proposal as there are insufficient parking spaces proposed for the application. A parking survey was required to determine if there is sufficient space in the local area to accommodate the shortfall in parking. The parking survey provided by the agent determined that there is a suitable area to the front of the existing building to accommodate three on-street parking spaces measuring 6m x 2m in width as per the requirement of Roads Development. Roads Development confirmed the survey was satisfactory and therefore no longer object. This aspect of the proposal therefore complies with policy RD1.
- 6.10 Considering servicing, Scottish Water do not object to the proposal and confirm there is currently sufficient capacity for treatment of waste water. It also advised however that capacity cannot be confirmed for water treatment and so recommend completing a pre-development enquiry form. The proposal therefore complies with policy RD1.

#### Developer's obligations

- 6.11 Business Services (Developer Obligations) confirm that developer obligations have been agreed for contributions towards the newly consolidated Macduff Medical Practice to allow for reconfiguration works to allow for more capacity. Contributions have also been agreed towards a Household Waste and Recycling Centre in Macduff or other such facility serving the residents of the development. The proposal therefore complies with policy RD2.

#### Representations

- 6.12 Of the points raised in letters of representation not already discussed within this report, the Planning Service have the following responses to the following points:
- Historic importance of the building, retention of heritage and concern over loss of structures within the building which contribute to its character.
  - The proposal should be considered against Policy B3 tourist facilities due to its cultural significance and setting. This means it should be marketed for at least 12 months if the business is no longer viable before it is converted to another use.
- 6.13 The lack of historic merit to the internal fittings and structures means that their loss would not significantly detract from the character of the building. There are no other significant reconfigurations proposed to the building which would otherwise affect this, as the only other alterations are the replacing of existing doors, windows and the installation a small number of new windows in existing openings.
- 6.14 Only facilities/accommodation which offer rooms can be assessed against policy B3. As the Ship Inn does not currently provide this, policy B3 cannot be considered and therefore the point regarding 12 months of prior marketing before conversion is not applicable to this application.

## Integrated Impact Assessment

- 6.15 As per the request of Members at the Committee in November, officers sought to carry out an Integrated Impact Assessment for the proposal, specifically with regard to the potential impact on the economic health & well-being of other businesses in the town. The conclusion of officers is that as the premises is not within the defined town centre area an Assessment cannot be carried out on that basis. Furthermore there are no equalities issues to consider. Accordingly the view of officers is that an Integrated Impact Assessment is neither necessary nor appropriate in this instance. The conclusion and recommendation below thus remain unchanged.

## Conclusion

- 6.16 In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.
- 6.17 The proposal complies with policy P1, P3, P4, HE1, HE2, RD1 and RD2 of the Aberdeenshire LDP 2017 as change of use from a public house to two dwellinghouses and external and internal alterations to the building is acceptable in principle and would not significantly detract from the character of the listed building and conservation area. This is due to the internal features having little architectural or historic merit, and the external alteration having a minimal impact on the character and appearance of the category-C listed building. The change of use to two dwellinghouse does not create any significant amenity concerns and all technical matters have been addressed.

## **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.

## **9. Departures, Notifications and Referrals**

### 9.1 Strategic Development Plan Departures

None

### 9.2 Local Development Plan Departures

None

- 9.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.

- 9.4 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.
- 9.5 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.

## **10. Recommendation**

### **10.1 That authority to GRANT be delegated to the Head of Planning and Economy subject to:-**

- 1. The conclusion of Developer Obligations; and,**
- 2. The following condition.**

1. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the Planning Authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

### **10.2 Reason for Decision**

The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposal complies with the relevant policies of the LDP as it is the change of use from a public house to two dwellinghouses within a settlement which has no specific land use allocation and does not raise any amenity concerns. The internal and external alterations would not significantly detract from the character of the listed building and conservation area.

#### **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 Environment Service 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.

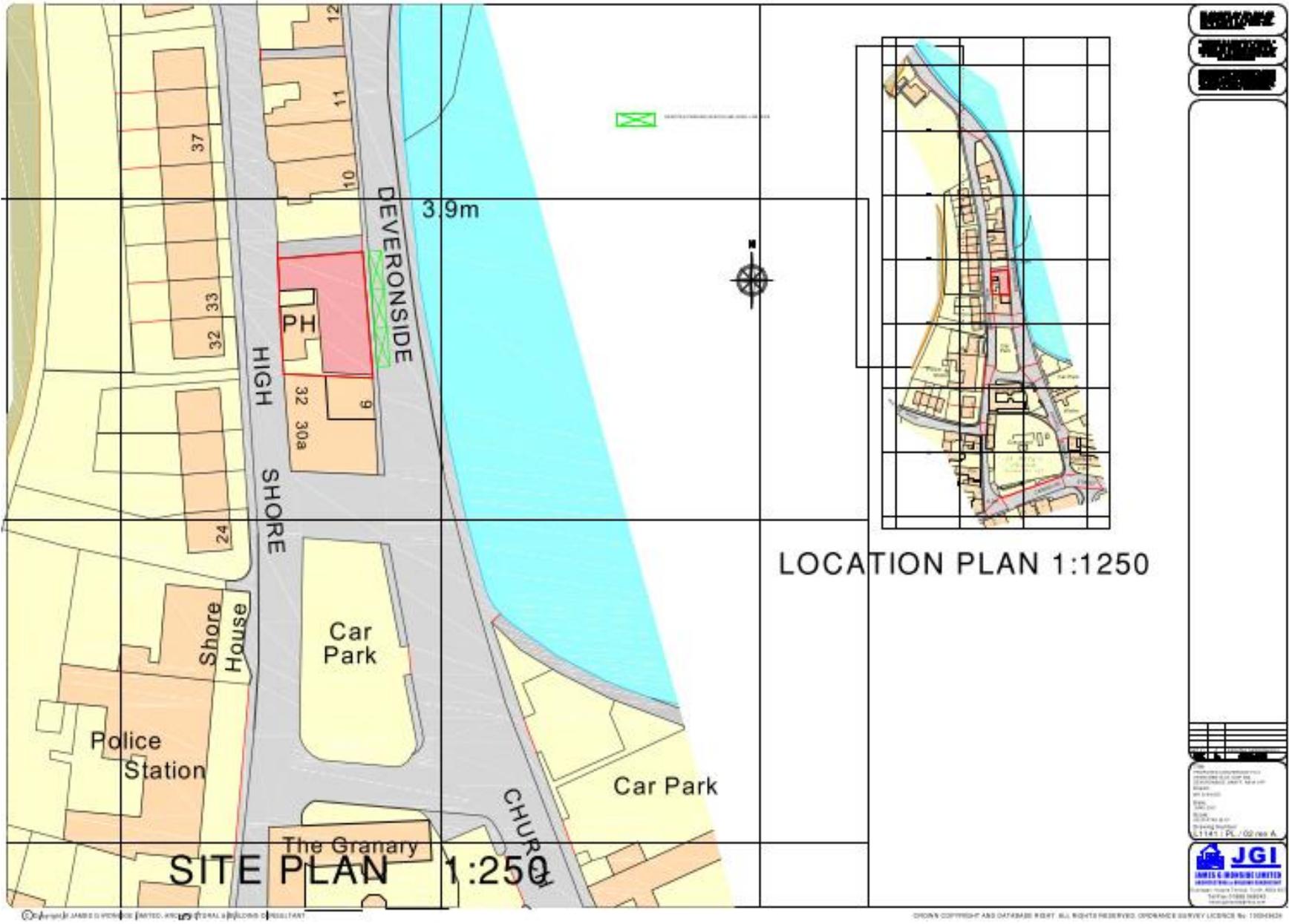
Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.

**Alan Wood**

**Director of Environment and Infrastructure Services**

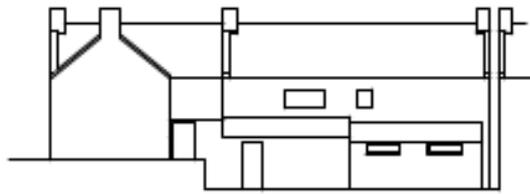
**Author of Report: Martin Walker**

**Report Date: 10/01/2022**

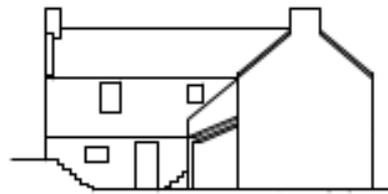


APPENDIX 1  
Site and Location Plan

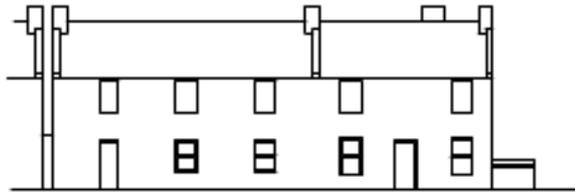
**Appendix 2**  
**Existing Elevations and Floor Plan**



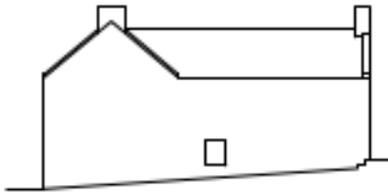
WEST ELEVATION 1:100



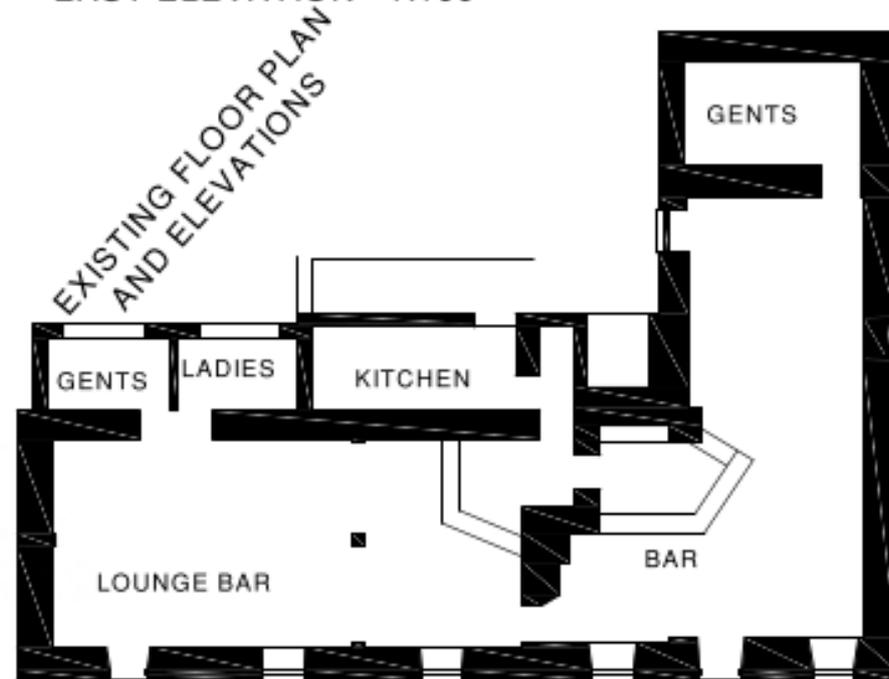
SOUTH ELEVATION 1:100



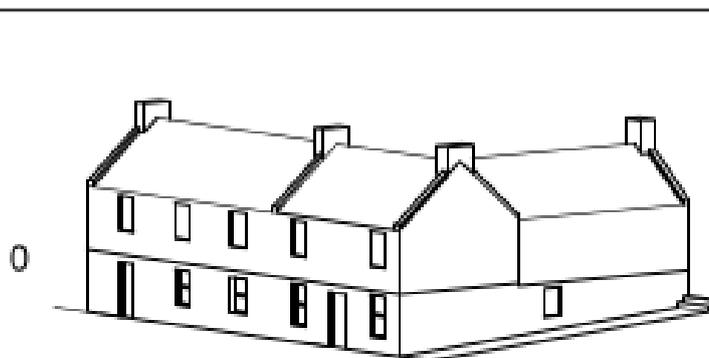
EAST ELEVATION 1:100



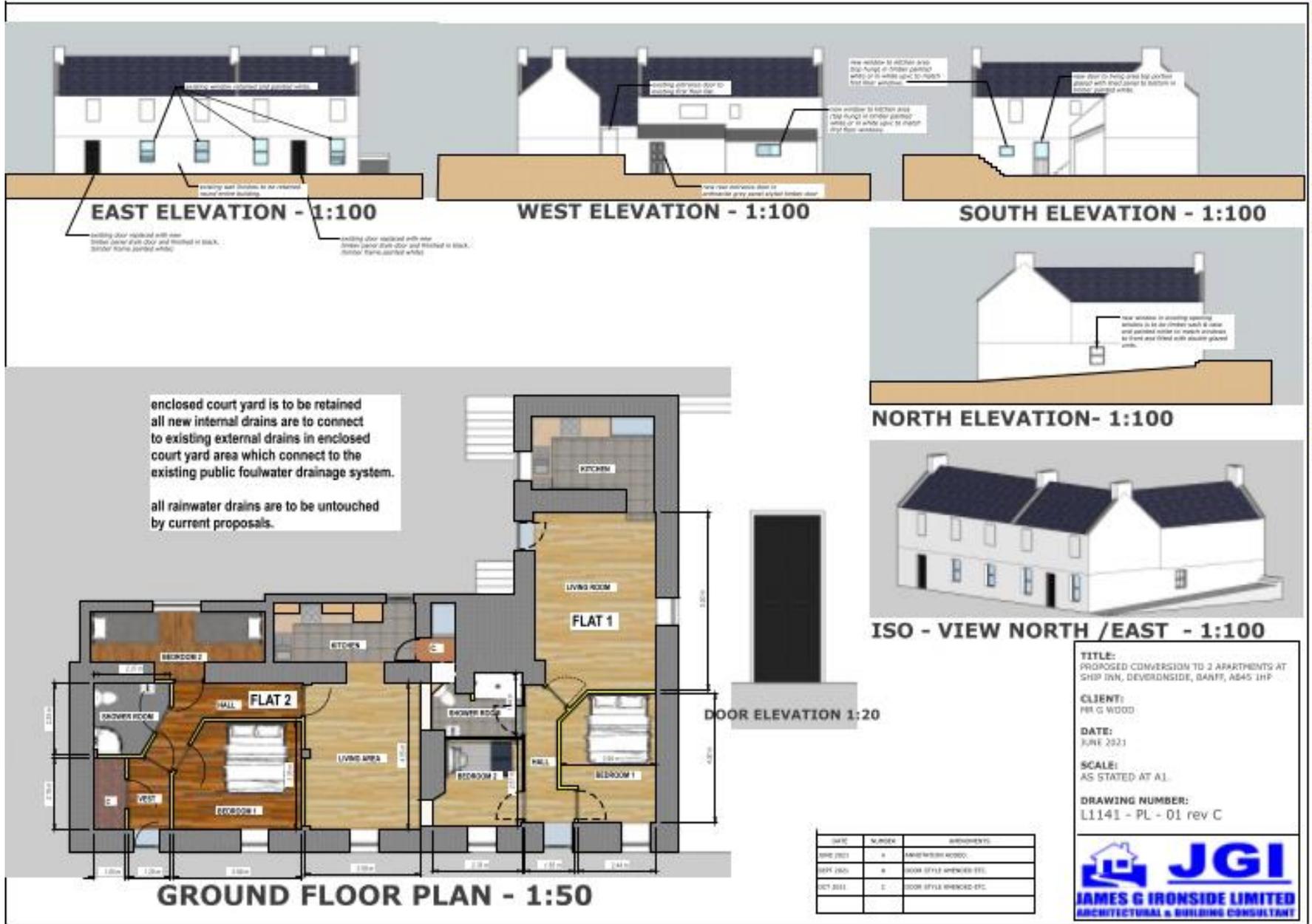
NORTH ELEVATION 1:100



GROUND FLOOR PLAN 1:50



ISO VIEW NORTHEAST 1:100



# Comments for Planning Application APP/2021/1398

## Application Summary

Application Number: APP/2021/1398

Address: The Ship Inn 7 Deveronside Banff Aberdeenshire AB45 1HP

Proposal: Change of Use and Alterations of Public House to 2 Dwellinghouses

Case Officer: Martin Walker

## Customer Details

Name: Mr Matthew Mace

Address: Saphock Cottage Colpy Insch AB52 6TR

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposed redevelopment of the Ship Inn at Banff.

I have used the Ship Inn as a visitor to Banff on many occasions in the past.

The Ship Inn was a thriving public house formally and there is no reason why it could not be again now in the hands of an enthusiastic owner. By remaining as a public house it would support the local economy, be an attraction to tourists and provide local residents with opportunities to socialise.

The building is listed and historically important. As a public house it would retain that heritage for the future. Once converted it would be lost for ever.

# Comments for Planning Application APP/2021/1398

## Application Summary

Application Number: APP/2021/1398

Address: The Ship Inn 7 Deveronside Banff Aberdeenshire AB45 1HP

Proposal: Change of Use and Alterations of Public House to 2 Dwellinghouses

Case Officer: Martin Walker

## Customer Details

Name: Mr Mattheone.netw Church

Address: 4, Invergarra Cottages Grandhome Aberdeen AB228AR

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There are not many pubs left to cycle to, meet friends, have a snack rather than full restaurant-type meal. The Ship's conversion would mean the loss of opportunities to socialise, locally as well as area-wise. As a business it's far more likely to attract visitors (myself included) to the town and hence help the local community with regards to jobs.

# Comments for Planning Application APP/2021/1398

## Application Summary

Application Number: APP/2021/1398

Address: The Ship Inn 7 Deveronside Banff Aberdeenshire AB45 1HP

Proposal: Change of Use and Alterations of Public House to 2 Dwellinghouses

Case Officer: Martin Walker

## Customer Details

Name: Mr Julian Watson

Address: Flat 6 Shore House High Shore Banff AB45 1HN

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The pub's location is both an asset for local and tourism trade. The viability can be divided between management and viability of the property. Once this asset is lost it cannot be replaced.

The Licencing for Aberdeenshire can be quoted for this area ' we do not have an over-provision of licenced premises'

The pub is a local tourist attraction having been one of the localtions for the film Local Hero. Aberdeenshire planning policies

Aberdeenshire Strategy Policy B3.2 We will protect existing tourist sites from being converted to other uses unless there is evidence that the business has been marketed for at least 12 months, including in the local area, and is no longer viable <sup>9</sup> . A suitable professionally qualified person, such as a chartered accountant, must demonstrate that the site is no longer viable, based on evidence of the financial standing of the business.

<sup>9</sup> See Planning Advice 'Tourist Facilities' - See Glossary.

Policy B3 Tourist Facilities page 27

From:   
To: [Planning Online: Planning](#)  
Subject: Planning App APP/2021/1398 - SHIP INN, Banff - Letter of Objection  
Date: 26 July 2021 15:13:34  
Attachments: [Letter of Objection.docx](#)

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Dear Timothy Xu

I am writing to object to the Planning Application ref APP/2021/1398 for the conversion of the Ship Inn to residential accommodation.

I attach my letter of Objection.

Thank you

Best wishes

Rachel Kennedy  
7 High Shore, Macduff AB44 1SL

**Letter of Objection – Ship Inn, 7 Deveronside, Banff AB45 1HP - ref  
APP/2021/1398**

Dear Sir/Madam

I am writing to express my strong objection to the application made by the owners of The Ship Inn in Banff to convert it into two dwelling houses.

The Ship Inn has always been a very popular establishment for locals and visitors and has provided a great venue for residents to enjoy a drink and the sea views in a quieter area of town. I have been a customer since 2005 when the pub was run by the former owners and it was at that time a very popular and friendly pub. Over the years I have enjoyed taking relatives and friends there because of its relaxed and family atmosphere.

I feel very strongly that its closure would be a huge loss to the town especially with its association with the movie Local Hero which has Cult status. I know that the current owners have had success contacting the actors involved in the film through social media and this has resulted in Banff becoming famous for its association. I refer also to the scenes filmed inside the pub with its (now famous) boat shaped bar - to lose this structure in of itself would be an awful loss.

I believe that there has been a pub on this site for at least fifty years and that it can be a successful business once more. I tried recently unsuccessfully to meet with the licensee (through a mutual contact) to see if they would consider selling the business but it wasn't possible to obtain an appointment.

As a local business owner and member of the newly formed Banffshire Business Forum I am absolutely sure that The Ship could be a successful business once again and that a pub at this location would be a great asset to the town. I understand that the pub should have been offered for sale as a going concern first and do not recollect seeing this? As I am aware that there are parties interested in investing in local businesses and even considering taking The Ship on as a community run pub, I would be interested in getting involved to see if this was possible.

So I would like to ask that my Objection to the Change of Use is considered to allow for further investigation to establish how this may be achieved.

Thank you

Rachel Kennedy

7 High Shore, Macduff

AB44 1SL

From: [Lynne Towns](#) on behalf of [Planning](#)  
To: [Planning Online](#)  
Subject: FW: Ship Inn, Banff - Objection to Planning Application APP/2021/1398  
Date: 28 July 2021 14:24:45

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Please can this be uploaded as a second rep from George Howie.

Thank you

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From: George Howie [REDACTED]  
Sent: 28 July 2021 12:23  
To: Planning <[planning@aberdeenshire.gov.uk](mailto:planning@aberdeenshire.gov.uk)>  
Subject: Ship Inn, Banff - Objection to Planning Application APP/2021/1398

Re-submission now contains postal address.



The Ship Inn, Banff, has been a 'C' listed venue since 1972, featured in 16 separate editions of the Campaign For Real Ale's Good Beer Guide (GBG) for the quality of its real ale, and the bar was featured in the 1982 film Local Hero and has many historic features.

Conversion to flats would mean a loss of heritage for the future. It's part of the local community, and it's conversion would mean the loss of opportunities to socialise and connect. As a business it could support the local economy if it's use as a pub was retained. The pub has been a thriving business in the past, and there's no reason to think it could not be so again in future, especially once Covid restrictions are eventually removed.

It's location, with a view across the mouth of the River Deveron to Macduff, means it could contribute to tourism and hospitality in the area if the pub had the right owner.

I would like to formally object to this planning application and request that consent be refused.

George Howie,  
Pub Campaigns Co-ordinator for Aberdeen, Grampian and Northern Isles Branch,  
48 Esslemont Avenue,  
Aberdeen  
AB25 1SQ



Jay Wilson  
Flat 6 Shore House  
High Shore  
Banff AB45 1HN

Te [REDACTED]

Email [REDACTED]

I am a neighbour of the Ship Inn property

For the attention Martin Walker, Planning Officer

**The Ship Inn, Deveronside, Banff - APP/2021/1398**

I wish to object to this application on the grounds that it would lead to the loss of a community facility which provided somewhere for people to meet and socialise, supported the local economy through employment of staff and purchases from local businesses, and offered meeting places for clubs, societies and charities.

According to the Aberdeenshire Licencing Board there is not an over-provision of licenced premises in Banff which indicates there is a demand for a well-run local pub.

I appeal to the planning decision makers to assess what the business could achieve if it were run efficiently by management committed to maximising its success. In order to make a fair, open and informed judgement a public house viability test should be conducted. If necessary the Scottish Assessors, the devolved property arm of the Valuation Office Agency, provides independent financial viability advice to local planning authorities from their network of regional offices.

The doors of the Ship Inn where closed without being offered for sale as a going concern, contrary to the Aberdeenshire's Strategic Development Plan (policy B3.2 tourist facilities). This despite (a) the obvious tourist attraction of the pub as a film location for the very popular Bill Forsyth film, 'Local Hero' and (b) the setting of the pub on the mouth of the River Deveron at the Bay of Banff with all its wildlife attractions and water sports opportunities.

According to the CAMRA (Campaign for Real Ale) 'Saving Your Local Pub' Tool Kit paragraph 5.3.4

“There is a widely held belief that if a pub closes then the licensees are permitted to continue living on the premises, provided they confine their occupation to the former licensee accommodation areas. That is not the case. Such residential use is ancillary to the pub use so, if the pub closes, so does the entitlement to live there. It will be

reasonable for Councils to allow the licensees a period of grace (say six months) to find themselves new accommodation but after that, enforcement action should be taken.”

I would appreciate it if you would inform me as to how the application will be determined. If it is to go before Committee, I would like to be notified of the date well in advance and informed whether objectors will have the opportunity to speak.