

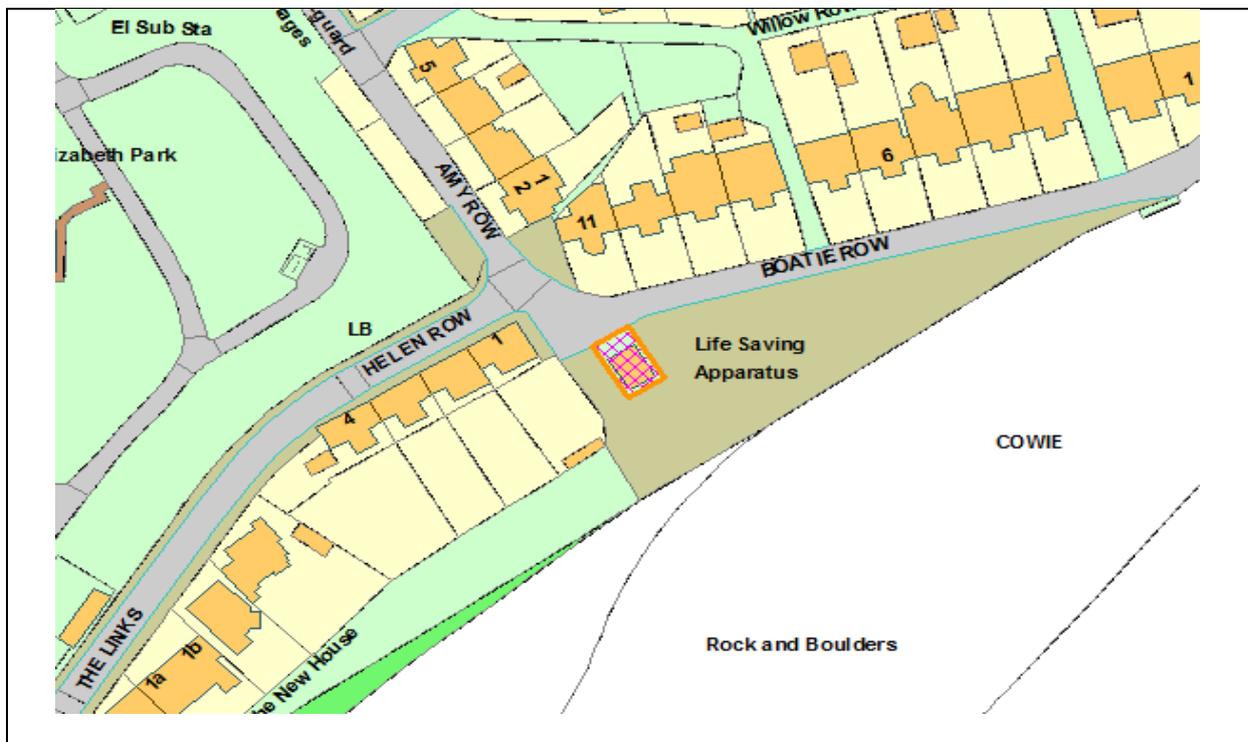
## Kincardine and Mearns Area Committee Report 8 February 2022

Reference No: APP/2021/2188

**Full Planning Permission for Change of Use of Sui Generis (Coastguard Station) to Class 4 (Business) at Coastguard Station, Boatie Row, Cowie, Stonehaven, Aberdeenshire**

**Applicant:** Mr and Mrs Lewis, c/o Agent  
**Agent:** Inspired Design and Development Ltd, 27 Evan Street, Stonehaven, AB39 2EQ

Grid Ref: E:387835 N:786638  
Ward No. and Name: W18 - Stonehaven and Lower Deeside  
Application Type: Full Planning Permission  
Representations: 26  
Consultations: 5  
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017  
Designations: Within Settlement  
Complies with:  
Development Plans: Yes  
Main Recommendation: 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 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 for the change of use of a former Coastguard Station (sui generis) to a Class 4 (Business) use at the Coastguard Station, Boatie Row, Cowie, Stonehaven.
- 2.2 The application site pertains to a former Coastguard building, located in the area of Cowie within Stonehaven. The building is situated on an area of open ground, to the south of Boatie Row and east of properties on Helen Row. The building measures approximately 7.6m by 5.2m with a height of 5.8m and finished in sandstone and slate and is enclosed by wire fencing, with a parking area for one vehicle to the front on a concrete plinth. The building has large doors on the northern gable and windows on the side elevations.
- 2.3 The proposal seeks to change the use of the building to a Class 4 use. The proposed use is for a business for storage and food preparation area. There are no external alterations proposed to the building. A supporting statement submitted outlines that the nature of the business is to be largely as a cold store for seafood products and salad to enable quick resupply of the existing business located at the Stonehaven harbour, the Seafood Bothy. Products prepared on the site would be pasta, couscous and rice that require to be boiled. Salads are prepared on site and boxed ready for sale. Soups and quiches would also be made on site. There would be no fried food prepared at the site. The seafood catch is currently, and would remain to be, boiled off site and collected to be transported to the Seafood Bothy or to the proposed store. It is not proposed to use the building as a fish processing plant. It is proposed to have a trade waste bin kept at the site. The proposed operational hours of the building, staff numbers and anticipated vehicle movements are as follows:
  - Monday and Tuesday – Closed
  - Wednesday – Full day preparation, 0900-1500 hours, maximum two people on site with one vehicle movement
  - Thursday and Friday – 0900-1200 hours, maximum two people on site with one vehicle movement
  - Saturday and Sunday – Collection only. May be a need to collect additional supplies between 1100-1500 hours, however this is dependent on sale at the Seafood Bothy.

The Seafood Bothy is closed from November to the end of March, therefore activity at the site would be limited to carrying out any required maintenance to the building and ensuring the building is secured.

The proposal is only for use of the applicants and there would be no public attending the site for sales.

The type of equipment which would be at the site includes:

- Two freezers
- Fridge
- Oven, hob and extraction fan
- Microwave
- Blender
- Shellfish holding tank with a pump and filter to oxygenate the water.

The proposed site plan has been amended to address comments made by Environment and Infrastructure Services (Roads Development).

### **3. Representations**

- 3.1 A total of 26 valid representations (1 support/25 objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

#### Support

- Return of a business involved in fishing to a coastal village is to be encouraged;
- Have found parking in Cowie not to be a problem and noted deliveries from Amazon, Tesco and Sainsburys have not encountered difficulties;
- From experience living next to wet fish sales unit, have not found smells or problems arising;
- Do not consider the size of the building, used mainly for storage, would cause problems.

#### Objection

- Added wastewater to an already overburdened wastewater system;
- Potential to create retail space which would increase traffic issues and current junction is already blind from several angles;
- Space has no parking facilities and access to properties could be impacted upon;
- No storage or waste provision and if outside could cause vermin issues;
- Fish preparation in residential area not acceptable as would create noise and smell;
- Not suitable for an industrial unit in residential area with no pavements which could be dangerous to pedestrians, increase pollution from increased vehicles which, when parked, could also block light to properties;
- Adverse impacts could deter visitors to the area;

- Plans omit water faucet on side of building which could be used for cleaning vehicles, fish boxes and floors and run off would run down Boatie Row to surface water drain and may cause odours and blockages;
- Current water pressure is variable and a new business would further put pressure on this;
- Area at flood risk and proposal will require flood prevention measures which would have an adverse impact on the area;
- Building not designed to support commercial operations and not suitable adjacent to public open space which is regularly used;
- Alternative locations considered more suitable within modern industrial estates;
- Not clear what the change to business means;
- Development out of character with the character of quaint fishing village which is to be preserved

#### 4. Consultations

##### Internal

- 4.1 **Environment and Infrastructure Services (Contaminated Land)** requested further information on the former use of the site. Additional information was submitted and there is no indication of any past use which might have caused contamination. This Service has no further comment to make on this application.
- 4.2 **Environment and Infrastructure Services (Environmental Health)** initially requested further information in relation to the use of the site, proposed equipment, operational hours and details of the internal facilities.

Upon receipt of further information, the applicant confirmed the intention of the use of the site, operating hours, movements of people/produce and equipment. This Service is satisfied that the proposals are sufficiently small scale and should not give rise to detrimental noise or odour impacts. As such, there is no objection from this Service.

- 4.3 **Environment and Infrastructure Services (Flood Risk and Coast Protection)** note that the site appears to be at risk of flooding from various sources, mainly surface water however potentially also from coastal and fluvial. The intention for the use of the site was sought in order to assess the potential flood risk posed to users of the site. A Flood Risk Assessment (FRA) may have been required depending on the proposed use of the site.

Following clarification of the use of the site, this Service removed their objection and an FRA was not required. It is noted that that insurance may be difficult or uneconomical to obtain for the site due to its proximity to areas of flood risk. This Service also advises that all electrical sockets and electrical equipment should be raised off the floor to minimise losses should any flooding occur.

- 4.4 **Environment and Infrastructure Services (Roads Development)** state that the parking provision requirement associated within the building is not being intensified from its previous use as there is no takeaway or retail use proposed. There is however potential for a loading/unloading requirement and this will need to be managed by the end user accordingly so as not to adversely affect the operation of the public road.

Further information was requested to confirm the interaction with the public road as some of the proposed alterations may be required to the road edge if fencing/gates are proposed to be removed. The site plan should include details in relation to kerbing, drainage, gradients, surface finish, fence removal extents within the redline. If only the gates were removed, this would allow for the provision of a loading/unloading area and not require further amendments to the existing road edge or gravel finish to the side. The use is not being intensified and with no change, further detailed design information is not required. This Service has no further comment to make.

#### External

- 4.5 **Scottish Water** has raised no objection to the planning application, however the applicant should be aware that this does not confirm that the proposed development can currently be serviced. The development would be fed from the Invercarnie Water Treatment Works for the water supply and a foul only connection to the public infrastructure, however further investigations may be required.

## 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 P1: Layout, siting and design

Policy P3: Infill and householder developments within settlements (including home and work proposals)

Policy P4: Hazardous and potentially polluting developments and contaminated land

Policy C4: Flooding

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 main issues to consider in the determination of this application include the acceptability in principle of the proposed change of use at this location and whether there would be an unacceptable impact on the character or amenity of the surrounding area.
- 6.2 Policy P1: Layout, siting and design and Policy P3: Infill and householder developments within settlements (including home and work proposals) states that development should respect the scale, density and character of its surroundings and not erode the character or amenity of the surrounding area. It also needs to be demonstrated that there will be no significant interference with the existing or proposed use of neighbouring sites, or accessibility of future potential development areas. There would appear to be no external alterations to the building, as such there would be a negligible visual impact on the character of the area or existing building and its surroundings. Part of the fencing is proposed to be removed to accommodate parking provision to the front of the site, however this is not considered to cause an adverse visual impact.
- 6.3 The nature of the business has been outlined and it has been confirmed that it would not include the processing of fish. The use of the building would predominantly be for storage of goods relating to an existing business situated at the harbour within the town. Small scale food preparation would be carried out at the site to enable quick resupply for the catering unit. Environment and Infrastructure Services (Environmental Health) is satisfied with the information submitted in relation to operational hours, occupancy, movements of people/produce and the equipment, which are not considered to represent an impact greater than that generated by a domestic kitchen. The proposal does not entail any retail elements and is not to be a fish processing plant.
- 6.4 Environment and Infrastructure Services (Environmental Health) is satisfied that the small-scale nature of the development would not give rise to detrimental noise or odour impacts and therefore, raises no objection. Irrespective of planning permissions in place, the applicant / proprietor of the business would also be subject to separate public order legislation regarding noise and odour levels. Considering the relevant Environmental Health legislation to protect noise nuisance emanating from the premises, it is expected the residential amenity of the locality will be suitably protected. It is considered that the change of use to a business, which is relatively low scale in terms of the scale and operations, would be acceptable as infill development of a disused building and not cause a detrimental impact to the character of the area to an unacceptable degree, in accordance with Policy P3: Infill and householder developments within settlements (including home and work proposals).
- 6.5 Turning to technical matters, the provision of one parking space to the front of the building has been shown on the submitted plans. Environment and

Infrastructure Services (Roads Development) has commented that parking provision for loading/unloading would be required with the proposal and this was shown on plans accordingly. The fencing and gates to the front of the building were shown to be removed, leaving the concrete plinth and the gravel to the sides. It was requested that only the gate was removed to reduce potential for parking on the gravel, and subsequently taking this onto the public road. The use of the site would not be intensified to the extent that would require additional spaces within the red line site and no further amendments were sought.

- 6.6 Letters of representation raise concerns in relation to the increase of traffic on the public road and danger to pedestrians. The scale of the business is limited, due to the size of the building, and it is noted that there would not be large scale deliveries to the site with vehicle movements restricted to the applicants and no public access to the building. The use of the site is not considered to be intensified to an extent, which would cause a detrimental impact on the public roads in terms of reduced parking or causing an increase in danger to pedestrians. It was raised as a concern that large vehicles parking in front of residential properties would obstruct natural light, however it is not anticipated that the development would cause an increase in large vehicles to the area and in addition, parking on public roads which have no restrictions, e.g. yellow lines, is not a matter which can be controlled through planning.
- 6.7 Letters of representation also highlight existing issues with the public water supply and wastewater infrastructure and cite that the proposal would further exacerbate this. Scottish Water has raised no objection to the proposal, however the site will be subject to separate consents in order to connect to public infrastructure. This planning application would approve the principle of the development, and all other necessary consents would require to be applied for and approved by the relevant bodies prior to any connections being made.
- 6.8 The nature of the proposed use is not considered to cause an increase of flood risk to adjacent sites as there are no proposed external alterations or additional development proposed which would cause this. The proposal does not represent a more vulnerable use class and as such, a flood risk assessment was not sought to demonstrate if mitigation measures would be required. Overall, the proposal accords with Policy C4: Flood risk.
- 6.9 Overall, the principle of development is considered acceptable and due to the scale and nature of the business, it is not considered that the proposal would have a detrimental impact on the character or amenity of the surrounding area. The proposal is considered to comply with the relevant policies of the Aberdeenshire Local Development Plan 2017 and 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 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**

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 GRANT Full Planning Permission**

### **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 is considered to form an appropriate infill development within the settlement and the overall level of the development would not have a detrimental impact on the character or amenity of neighbouring sites, in terms of visual impact, odour or noise. As such, the proposal complies with Policy

P1: Layout, siting and design, Policy P3: Infill and householder developments within settlements (including home and work proposals) and Policy P4: Hazardous and potentially polluting developments and contaminated land of the Aberdeenshire Local Development Plan 2017.

**Alan Wood**

**Director of Environment and Infrastructure Services**

**Author of Report: Jenny Ash**

**Report Date: 25 January 2022**