

Formartine Area Committee Report - 22 January 2019

Reference No: APP/2018/2530

Full Planning Permission for Change of Use of Agricultural Shed into Gymnasium and Associated Car Parking at Land at South Ythsie, Tarves, Aberdeenshire

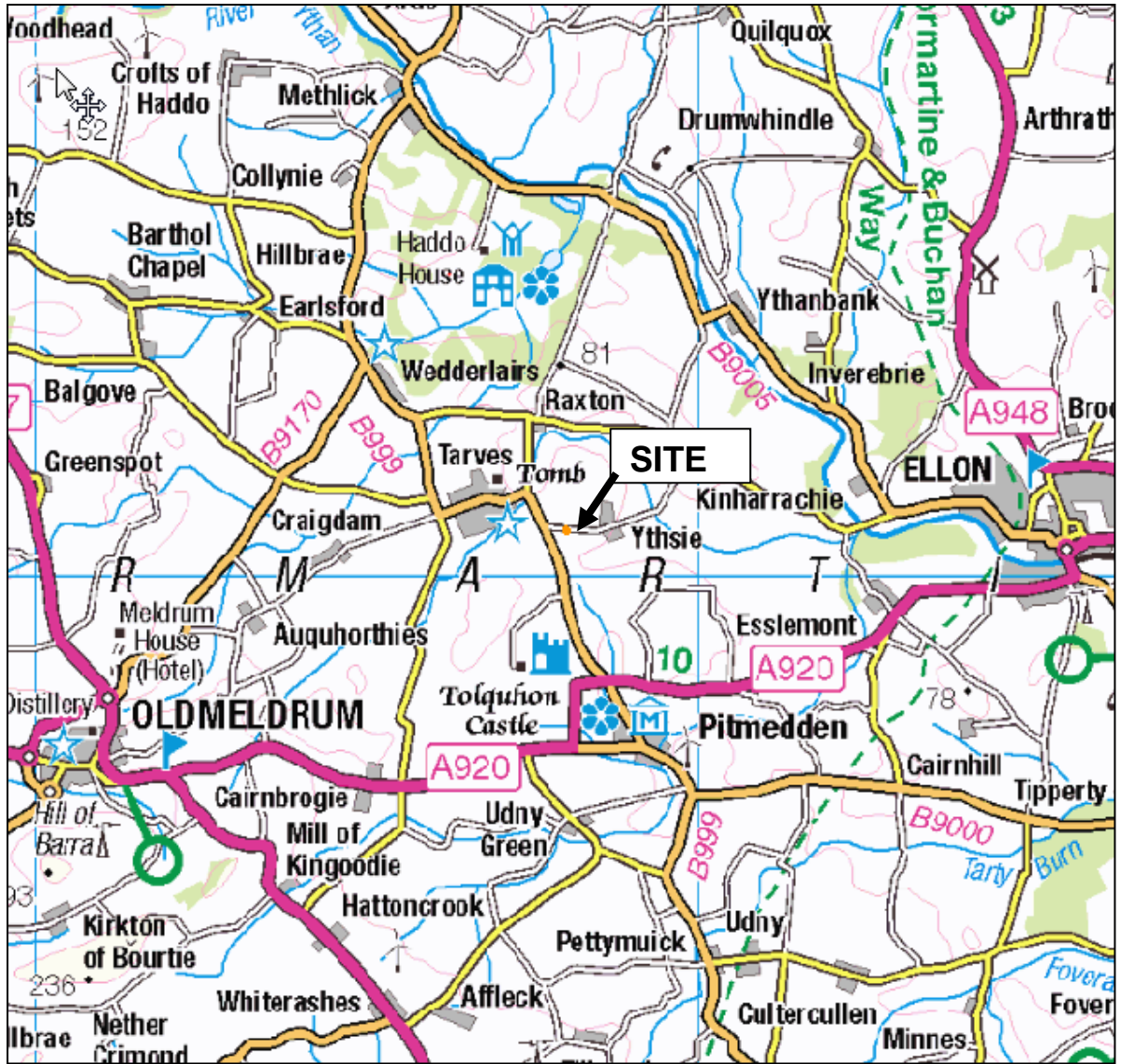
Applicant: Ms Rachel Combe
Agent: Lippe Architects & Planners Ltd

Grid Ref:	E:388003 N:830695
Ward No. and Name:	Mid-Formartine
Application Type:	Full Planning Permission
Representations:	92
Consultations:	6
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	AHMA
Complies with Development Plans:	No
Main Recommendation:	Refuse



NOT TO SCALE

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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.3.1h of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but in the professional opinion of the Head of Planning Building Standards, there has been a substantial body of support for the development.
- 1.2 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. They 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 change of use of an agricultural shed into a gymnasium and associated car parking on land at South Ythsie, Tarves, Aberdeenshire. The proposed site is in a rural location and situated approximately 1km east by road from the settlement of Tarves. The Location and Site Plans are attached to this report as Appendices 1, 2 and 3.
- 2.2 The site is accessed via a minor road which feeds into the B999 Tarves to Pitmedden road. The site is bound by agricultural fields to the east, south and west and by the access road to the north.
- 2.3 The agricultural shed which is to be converted into a gymnasium measures approximately 30.3 metres in length by 12.5 metres in width and 6.8 metres from ground level to ridge height. The proposed Elevations are attached to this report as Appendix 4. The car parking provision will be situated directly adjacent to the gym to the west and will cover an area of approximately 1020m². The gym itself will consist of a gym/studio, toilets, office, kitchen/dining room and lockers. There will be a total of 34 car parking spaces (2 disabled).
- 2.4 In support of the application, the agent advises that the current business, which opened on January 2017, has outgrown its existing premises at Nether Tillyhilt (1km to the north of Tarves) and needs to expand to cater for its current waiting list. As it is not possible to expand its existing premises (a converted steading), and due to the lack of available premises of the appropriate scale within Tarves, the shed at South Ythsie offers the best opportunity to allow the business to expand.
- 2.5 Relevant Planning History
 - APP/2004/4604 – Full Planning Permission for Agricultural Land Improvement. Status: Application Approved.

- APP/2009/0172 – Prior Notification for Erection of Agricultural Building.
Status: Prior Approval Not Required.
- APP/2010/3284 – Full Planning Permission for Extension of Time in order to Improve Land for Agricultural Purposes (APP/2004/4604).
Status: Application Approved.
- APP/2012/3760 – Erection of General Purpose Agricultural Shed.
Status: Prior Approval Not Required.
- APP/2014/3726 – Full Planning Permission for Erection of Dwellinghouse.
Status: Application Refused.
- APP/2015/1718 – Full Planning Permission for Erection of Dwellinghouse Including Change of Use of Land from Agricultural to Domestic.
Status: Application Refused.

2.6 Supporting Information

- Drainage Certificate – submitted on 25 October, 2018
- Drainage Impact Assessment and SUDs Proposal - submitted on 25 October, 2018
- Design, Planning and Access Supporting Statement – submitted on 12 October, 2018

2.7 Variations & Amendments

Following an objection from Infrastructure Services (Roads Development) and Transportation due to the lack of a pedestrian access and bus stops, revised plans were submitted identifying the level of upgrades that they would be willing to accommodate.

3. **Representations**

3.1 A total of 92 valid representations (92 support/0 objection) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 94 letters in total. All issues raised have been considered. These representations can be viewed on the Aberdeenshire Council website. The letters raise the following material issues:

- *Benefit to the Local Community.*
- *Creation of jobs.*
- *Reuse of disused building.*

4. **Consultations**

4.1 **Infrastructure Services (Environmental Health)** does not object to the planning application subject to the attachment of conditions and informatives.

4.2 **Infrastructure Services (Roads Development)** objects to the proposal due to the lack of adequate road upgrades. The following details are required:

- The C43C road from the proposed access to the B999 requires to be widened to core road standard.
- An adoptable footway is required from the site to link in to the existing footway network in the nearby settlement of Tarves.
- Bus stop facilities are required on both sides of the B999 in the vicinity of its junction with the C43C.

4.3 **Infrastructure Services (Transportation)** requires the same upgrades requested by Roads Development and would also seek refusal on the grounds that the proposal is contrary to creating well connected places that support active travel.

4.4 **Scottish Water** does not object to the planning application.

4.5 **Sport Scotland** does not object to the planning application.

4.6 **Tarves Community Council** fully supports the planning application for the following reasons:

- The introduction of the gymnasium will be a good re-use of a disused building.
- The proposal will bring significant benefits to Tarves.

The full response is attached to this report as Appendix 5.

5. **Relevant Planning Policies**

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and

socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

5.3 Aberdeenshire Local Development Plan 2017

Policy B2 Town centres and office development
Policy P1 Layout, siting and design
Policy R2 Housing and employment development elsewhere in the countryside
Policy E2 Landscape
Policy RD1 Providing suitable services

6. Discussion

- 6.1 The main issues to consider in determining this application are whether the gymnasium is in an appropriate, sustainable location and whether the development can be adequately serviced/accessed. These issues will be considered in relation to Policy B2 Town centres and office development, Policy R2 Housing and employment development elsewhere in the countryside, Policy P1 Layout, siting and design, Policy E2 Landscape and Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.
- 6.2 Policy B2 allows leisure facilities in locations outwith town centres providing a sequential test has been carried out and the site is accessible by means other than the private car. The supporting information suggests that there is no available property available in Tarves of a scale appropriate to the aims of the company. Considering the proposed layout of the gym and its scale, this point can be accepted. While it would always be the preference of the Planning Authority for leisure facilities to be located within a settlement, in this case the gym would only be 1km outside the village, a similar arrangement to the current situation at Nether Tillyhilt. However, it must be noted that this application relates to an intensification of the business and would result in an increase in traffic/visitor movements. While the distance from the village is similar, the circumstances are different due to the intensification of the

business and there are concerns over the accessibility of the site. It is considered that the proposal does not fully comply with Policy B2.

- 6.3 Policy R2 supports these types of proposals providing they are small-scale developments which involve the refurbishment or replacement of a disused building. This proposal seeks to convert the agricultural building into a gymnasium. The existing shed was approved in 2009, however the supporting information advises that the shed has not been used for agricultural purposes for 5 years. Further evidence has been provided which advises that the shed approved in 2012 has not been built (suggesting the locational need is no longer appropriate) and that the main farming operation is now operated from Little Meldrum Farm 4km to the north (by road). While the shed is in a good condition and could be used for agricultural purposes, if the farm business is operated from Little Meldrum, it can be argued that the shed is no longer required to support the business. As the application is not for the demolition of the shed but rather for its re-use, it can be argued that it is more sustainable to find an alternative use for the building rather than a) leaving the property vacant or b) demolishing it and erecting something else on the site (the building may be vacant but it is not disused). While it can be accepted that some form of alternative use may be appropriate for the site, this proposal is for the building to be converted into a gym (Use Class 11) which is not considered to be an employment use (which is normally Classes 4,5, and 6- as defined in the glossary of the LDP). The proposal therefore fails to comply with Policy R2.
- 6.4 Policy P1 establishes that development must be suitable in terms of its design, amenity and adaptability to future needs while Policy E2 protects the character of the landscape. The new gymnasium will utilise the existing agricultural building with no extensions with only minor alterations required. However, the car parking would introduce a different character to the countryside and would be prominent in this site where there is little in the way of screening. Should this application be approved, landscaping would be required to bed the development into the countryside. This can be controlled by appropriate conditions. It is considered that the proposal complies with both Policy P1 and E2.
- 6.5 Policy RD1 requires all development to be appropriately serviced. While the submitted drainage certificates and reports confirm that the proposed septic tank, foul water soakaway and surface water soakaway are capable of servicing the site, there are issues over the accessibility of the business. Policy RD1 advises that new development must be well related to existing settlements, close to public transport (where available) and be convenient for cyclists and pedestrians. While there is an informal bus stop 225m to the east of the site (on the B999 with a pavement and layby), there is no safe way for pedestrians to access the bus stop. Furthermore, there is no bus stop on the opposite side of the road to allow travel back to Tarves. The proposal does indicate 34 parking spaces but it would be expected that not all users would wish to drive to the gym. Both Roads Development and Transportation object

to the planning application and have requested the implementation of road upgrades and installation of bus stop facilities however the agent/applicant is unwilling to provide the necessary upgrades. The proposal therefore does not comply with Policy RD1 as, without an appropriate linkage between the village and the site, it is not considered that the site can be accessed safely.

- 6.6 There has been a substantial body of public support for this application. The general consensus is that the proposal will be of great benefit to the local community and would prevent people from travelling further afield for gym facilities in Ellon and Inverurie. It was also noted that the proposal would likely boost the local economy through creation of jobs and that it would make good use of a currently disused building. While there is merit in the proposal, this does not supersede the requirements for the facility to be sited in an easily accessible, safe location.
- 6.7 In conclusion, while there is potential community and economic benefits from the development, the lack of adequate footpath and bus stop facilities mean that the site cannot be suitably accessed. This means that the proposal is not compliant with Policy B2 Town centres and office development and Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017. It is therefore recommended for refusal.

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 B2 Town centres and office development
Policy R2 Housing and employment development elsewhere in the countryside
Policy RD1 Providing suitable services

10.3 The application is a Departure from the valid Local Development Plan. 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 falls within one of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and therefore requires 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 for the following reasons:-**

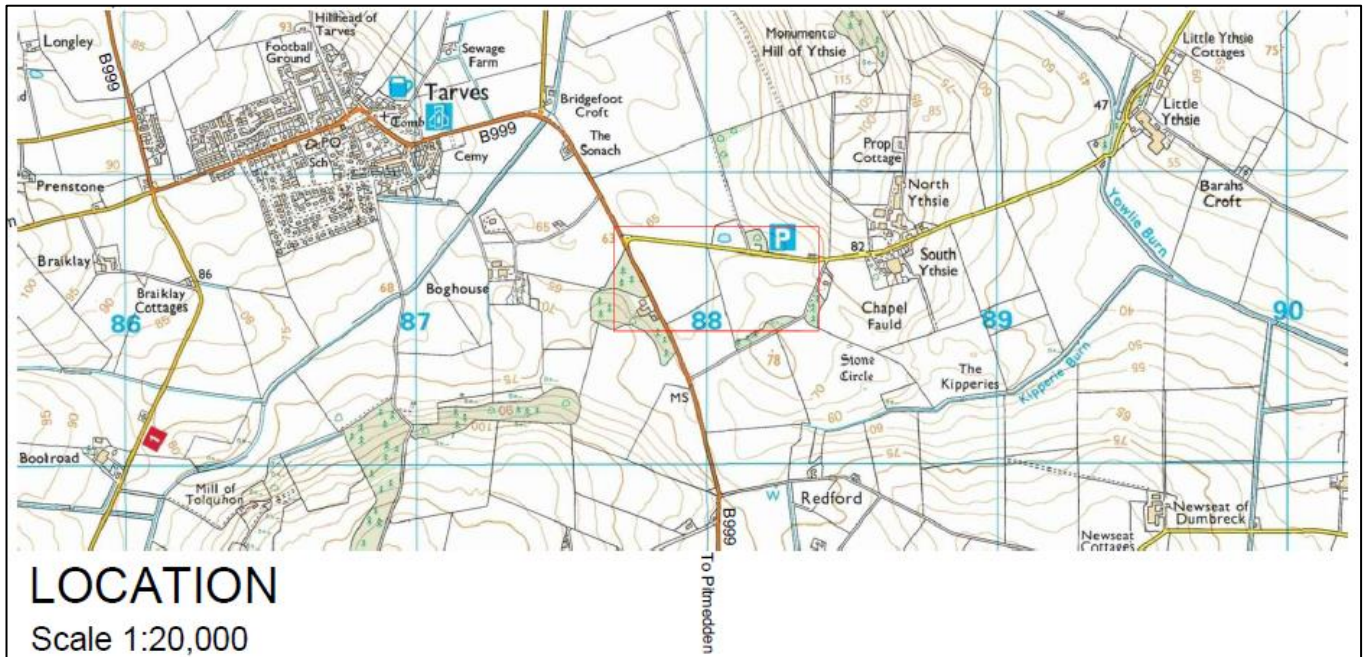
01. The proposed development does not include an adequate pedestrian access and bus stop facilities to allow the site to be safely accessed by means other than by the private car. The proposal fails to comply with Policy B2 Town centres and office development and Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.

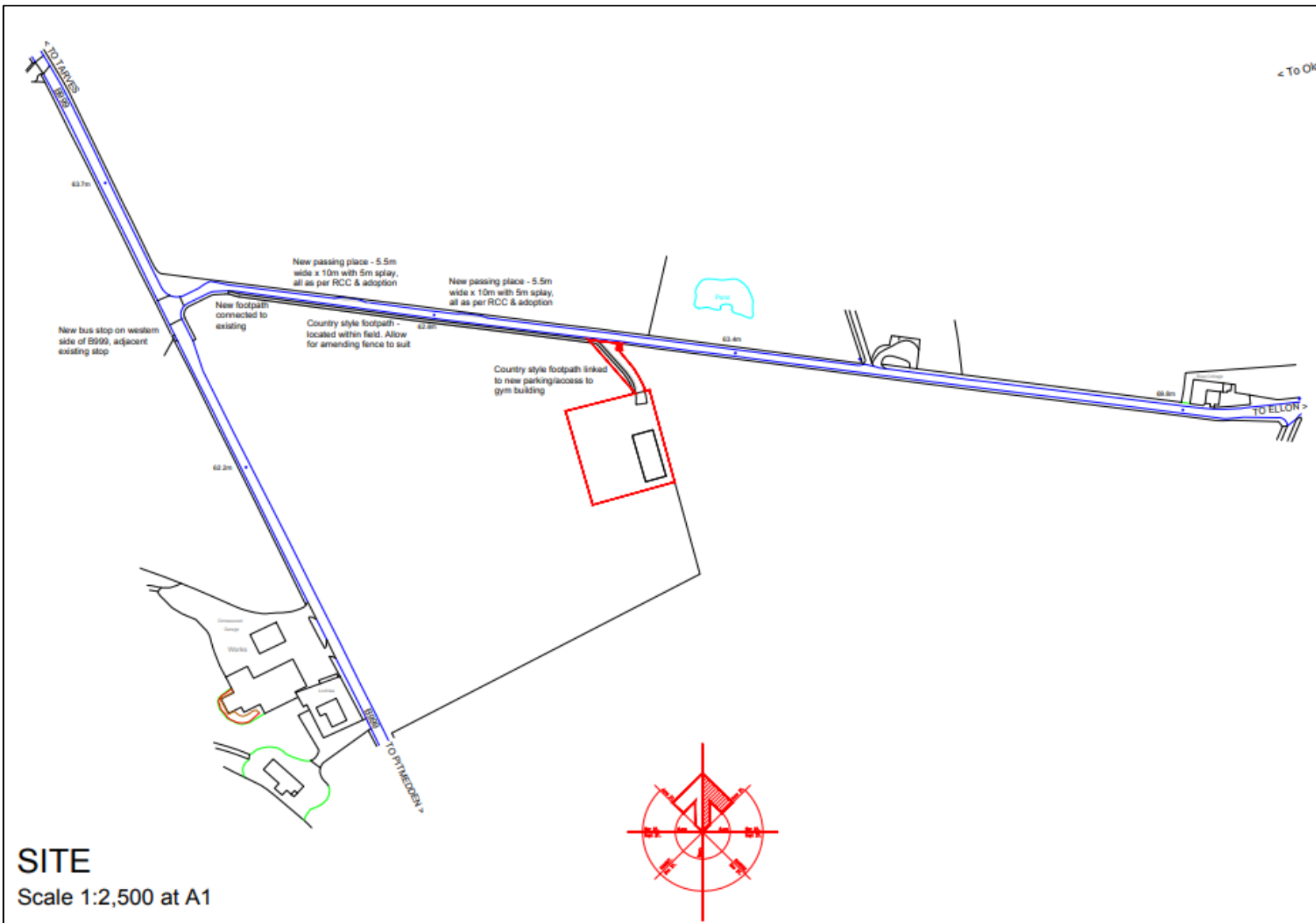
02. The proposal does not comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 as the proposal is for a gymnasium (Use Class 11) and not for Use Classes 4, 5, and 6 (Employment) which is a requirement of this policy.

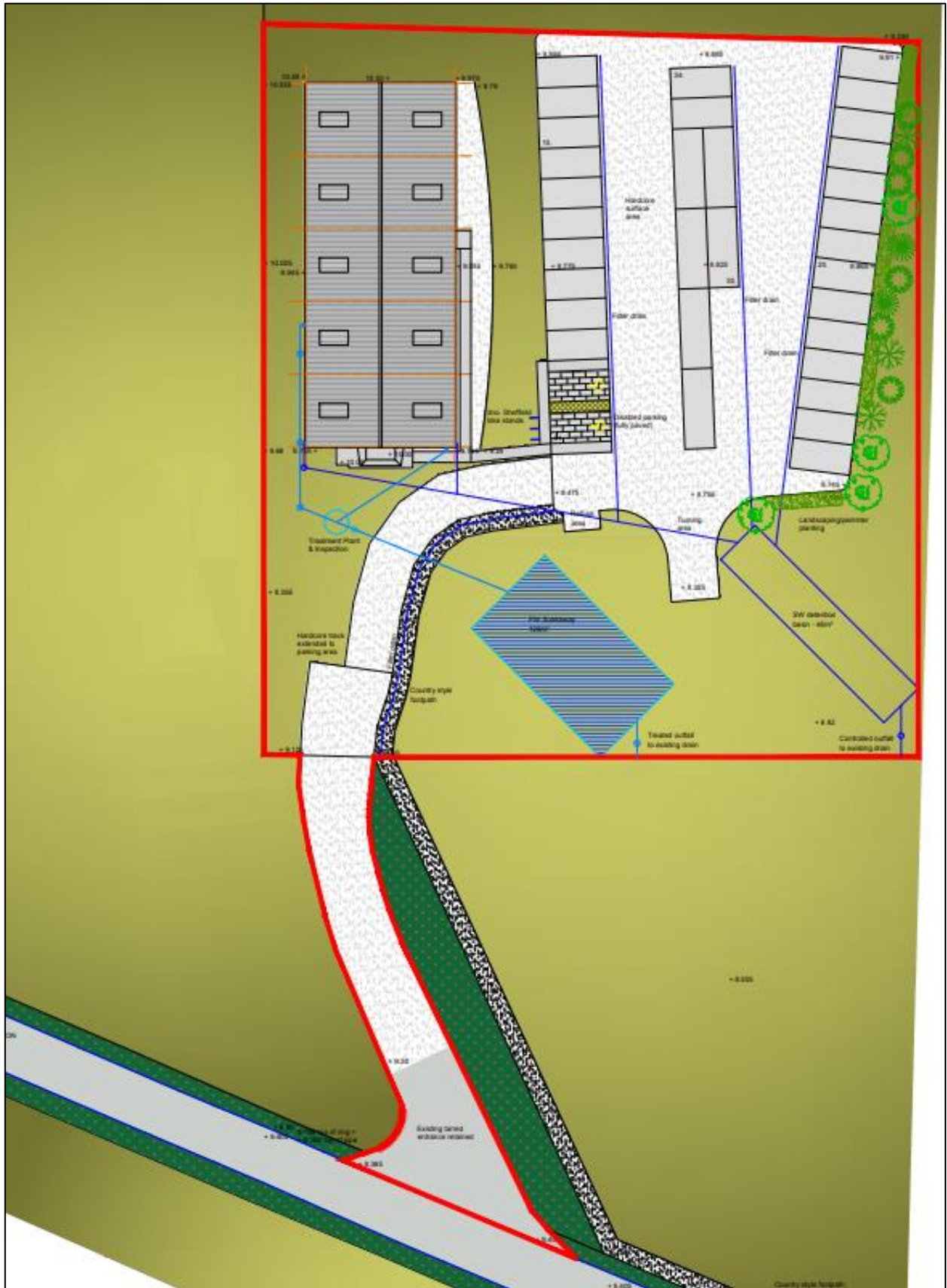
Stephen Archer
Director of Infrastructure Services
Author of Report: Alex Calderwood
Report Date: 21 December 2018

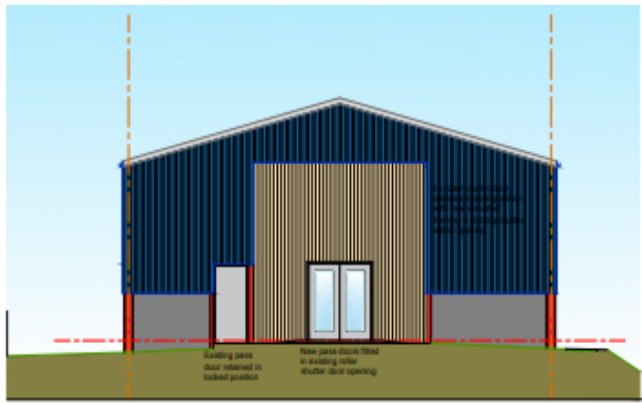
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Appendix 1

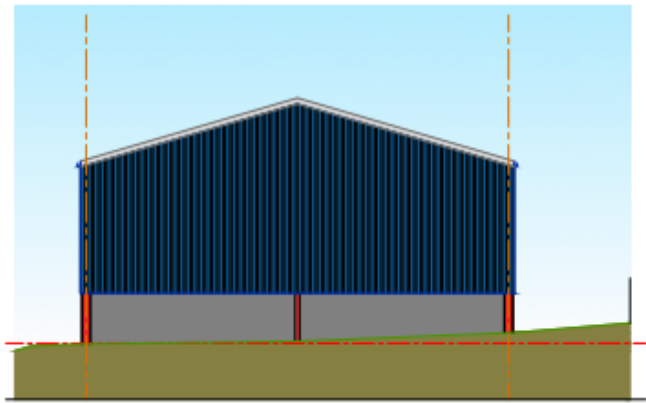




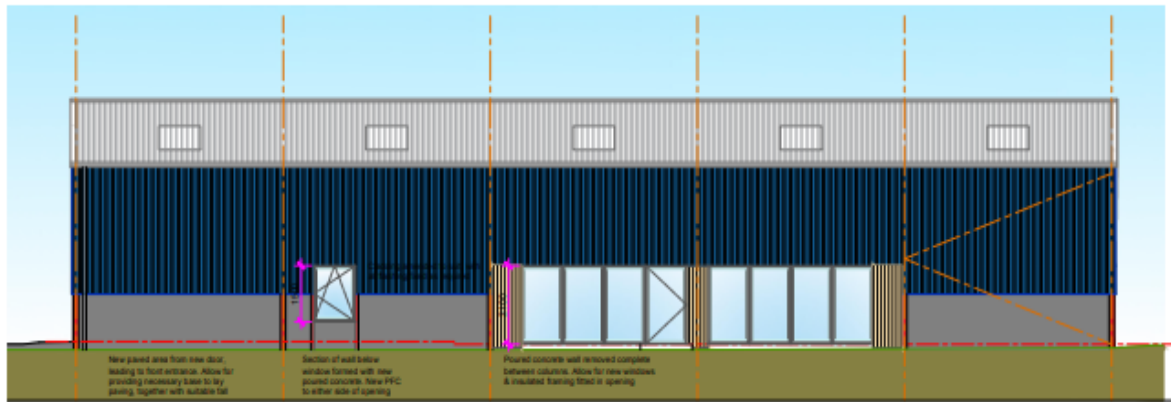




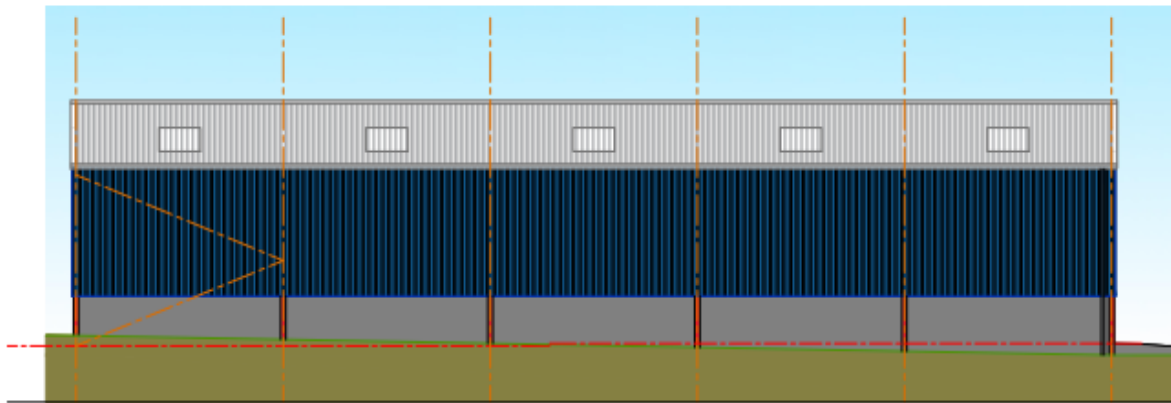
NORTH ELEVATION
Scale 1:100 at A1



SOUTH ELEVATION
Scale 1:100 at A1



WEST ELEVATION
Scale 1:100 at A1



EAST ELEVATION
Scale 1:100 at A1

APP/2018/2530

Appendix 5

Tarves Community Council

Community Council Postbox
Tarves Post Office
The Square
Tarves
AB41 7GX
20th November 2018

Aberdeenshire Council
P. & B. 5. Fomarine Area
By email

Dear Sir/Madam

APP/2018/2530; - Change of Use of Agricultural Shed into Gymnasium and Associated Car Parking at site near South Ythsie Tarves.

Members discussed this application and resolved to fully support the proposal for the following reasons.

It is considered that the conversion of this disused Shed will bring significant benefits to Tarves by way of enhancing and expanding the existing well-supported services provided by Shape Shifter.

This local company has grown significantly and is naturally seeking larger premises in the Tarves area. The site adjacent to the proposed at South Ythsie has had numerous applications for a Dwellinghouse by the Farmer and it would appear that a change of farming policy has led to him no longer seeking to create a Farm and Farmhouse there. As such, the shed being redeveloped will be a good re-use of a disused building and allow the Gymnasium to expand to address the demand locally.

Planning history has seen the field to the West of the site raised which required regular use of the access road by approximately 40 HGVs per day. This did not cause any problems for other road users, as it is a short section of straight road from the B999 with good visibility. There may be some merit in the inclusion of a path to the existing public transport Bus stop on the B999; however insisting on providing a path from Tarves is an onerous request for a small business.

We urge approval of this application to progress the significant economic investment in this facility and the wider community benefits it will bring.

Yours on behalf of the Community Council

Robert P. Davidson

Chairman.