

**Formartine Area Committee Report - 13 February 2024**Reference No: [APP/2023/1237](#)**Full Planning Permission for Part Change of Use from Bank (Class 2 Financial, Professional & Other Services) and Alterations to form Office (Class 4) and Erection of Car Wash (Sui Generis) at 34 Bridge Street, Ellon, AB41 9AA****Applicant:****Mr Ahmet Dogan****Agent:****Michael Ritchie**

Grid Ref:

E:395649 N:830467

Ward No. and Name:

W09 - Ellon And District

Application Type:

Full Planning Permission

Representations:

5

Consultations:

4

Relevant Proposals Map:

Aberdeenshire Local Development Plan

Designations:

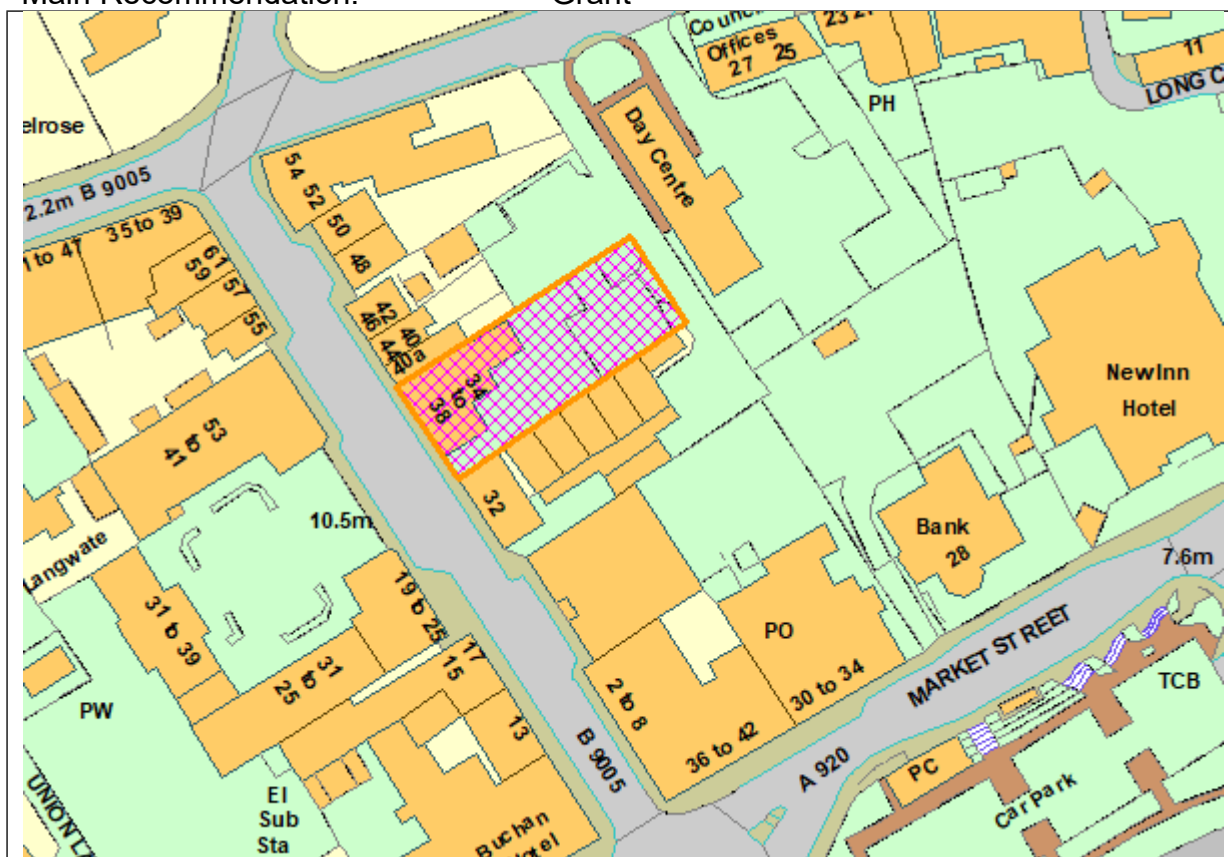
Ellon Town Centre / Accessible Rural Area

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 is an unresolved objection from a consultee.
- 1.2 This application was deferred at the last meeting of the Formartine Area Committee on 23 January 2024 for a site visit. The site visit has now been carried out. A supporting Statement has been submitted by the agent, attached as **Appendix 6**.
- 1.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report 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 This application seeks full planning permission for the partial change of use of 34 Bridge Street, Ellon from a bank (Use Class 2 Financial, Professional & Other Services) to form an office and erect a car wash which falls within Class 4 (Business) and Sui Generis uses.
- 2.2 The site lies within the heart of Ellon town centre (as defined in the Aberdeenshire Local Development Plan 2023) and lies opposite Neil Ross Square. **Appendix 1 contains the Location Plan.** The site is in the centre of a row of businesses on Bridge Street and has residential homes on the first floor of the building. The rear of the site has a gravel car park which is accessible through a single-lane access road with entrances on Market Street and Station Road. The building is currently vacant.
- 2.3 The proposal seeks to change the use of part of the site from a bank to a car wash and adjacent office. The exterior area would be approximately be 23 metres by 6 metres. This space includes an extended tarmac area, increasing the parking spaces in the site from 8 to 11, and a covered car port. The proposed office would be in the single storey section of the building facing the car wash. It has a total area of 32.5sqm. The only change to the exterior of the building will be altering the rear window to form a door opening. Vehicular access to the site is only through the single-track access road to the east of the site. It will be inaccessible by car from Bridge Street. **Appendix 2 contains the Site Plan, Ground Floor Plan and Elevations.**
- 2.4 The car port measures approximately 7.8 metres (width) by 5 metres (depth) with a height of 3.3 metres. The materials to be used shall be black steel posts with a rubber roof. Exterior materials for the proposed office shall not be changed. **Appendix 3 contains the Ground Floor Plan and Elevation of the Car Port.**

- 2.5 The applicant proposes to connect to the public water and drainage network and make provision for the sustainable drainage of surface water.
- 2.6 The applicant has provided additional information on surface water soakaway and fuel/oil separators and grease separators. As a result, the site plan has been amended.

3. Representations

- 3.1 A total of 5 valid representations (5 objections) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- *The single track road is not suitable for the extra volume of traffic should the development be improved.*
- *How will vehicles leaving and arriving pass on the lane and do so safely.*
- *Potential traffic queueing up onto Station Road.*
- *No access onto Bridge Street.*
- *The proposal is not suitable for the town centre as car washing is very industrial.*
- *Better placed in a industrial estate.*
- *The single-track road also services a supported living facility on the lane. Pedestrian safety may be negatively impacted by the increased traffic.*

4. Consultations

- 4.1 **Environment and Infrastructure Services (Environmental Health)** has considered the application and have no objections.
- 4.2 **Environment and Infrastructure Services (Roads Development)** reviewed the proposal and comments that, while no additional spaces are provided as part of this application, the parking requirements can be accommodated by surrounding public car parks. Therefore, it has no opposition to the proposal.
- 4.3 **Scottish Water** has no objection to the proposal and confirmed that the proposed development will be fed from Invercarnie Water Treatment Works and Ellon Waste Water Treatment Works, but it is unable to confirm capacity and suggests the applicant completes a Pre-Development Enquiry Form. It also notes that for reasons of sustainability, Scottish Water cannot accept any surface water connections into their combined sewer system unless significant justification is provided.
- 4.4 **Ythan Community Council** objects to the proposal as the existing lane is reportedly too congested and cannot cope with any further vehicular movements. Moreover, it does not consider the location to be suitable for this type of business.

Appendix 4 contains the full response.

5. Relevant Planning Policies

5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 9 Brownfield, vacant and derelict land and empty buildings
Policy 22 Flood risk and water management
Policy 27 City, Town, Local, and Commercial Centres

5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

Policy B1 Town Centre Development
Policy P1 Layout, Siting and Design
Policy RD1 Providing Suitable Services

5.3 Other Material Considerations

Town Centre First Principle
Ellon Town Centre Health Check 2022

6. Discussion

- 6.1 The key material considerations for the proposed are whether the change of use of the existing building and parking area to an office and car wash is appropriate in this town centre location and the likely impacts on the character of the area and the environment.

Principle of Development

- 6.2 The site is located within a vacant unit in the defined town centre, as such, the main consideration is whether this is an appropriate location for the proposed development.

- 6.3 Both NPF4 and ALDP 2023 seeks to encourage, promote and facilitate development in town centres. Typical uses would be retail and other frequently visited uses such as office developments, leisure uses, community, cultural facilities, public buildings.
- 6.4 Developments for non-retail uses would not be supported where the services will undermine the character and amenity of the area or the health and well-being of communities. The proposal is not a drive-through car wash with an automated system, but a manual car wash facility, with an associated office. Environmental Health have raised no concerns in respect of noise, therefore the Planning Service is content that the use will not negatively impact on the residential amenity or the health and well-being of the community.
- 6.5 Whilst both NPF4 and ALDP 2023 want development to encourage a range of sustainable transport modes, this is a type of business that relies on motor vehicle customers and, as such, the benefit with this type of business to the town centre is new employment opportunities and the potential for customers to visit other town centre facilities, increasing footfall.
- 6.6 The site is currently vacant, as the former TSB branch closed in April 2022 with no business taking over since its closure. This application seeks to utilise the rear car park and a small section of the building. NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of empty buildings, to help reduce the need for greenfield development. The applicant seeks to reuse a vacant site which holds no biodiversity value, and convert it to a new use which is in line with this policy.
- 6.7 Having cognisance of the Ellon Town Centre Health Check 2022, the application site is specifically noted in the vacant retails units section. There has been an increase in vacancy rates and the comments received through the 2021 surveys noted the desire to see less vacant units in the town. With regards to facilities and amenities, there were comments received noting the lack of variety of goods available in the town centre as well as things to do. Whilst a car wash falls outside those uses, it would provide work and local economy and may result in more consumer spend in other uses.
- 6.8 Overall, the principle of development is not in conflict with Policy 9 Brownfield, vacant and derelict land and empty buildings and Policy 27 City, Town, Local, and Commercial Centres of NPF4 and Policy B1 Town Centre Development of ALDP 2023.

Layout, Siting and Design

- 6.9 There is a minor change to the exterior of the existing building by forming a larger opening for a door which is acceptable as it would not change the overall character and appearance of the rear elevation of the building. The proposed car wash space is completely obscured from visibility on Bridge Street. The car port would provide a neutral impact to the surrounding area, as its black steel design is made of similar materials as the refuse bins stored in adjacent areas on the street. Overall, there are no concerns over the layout

of the site and the design of the car port. The existing car park and building can be adapted to a new use. The development is not in conflict with Policy P1 of ALDP 2023 or Policy 14 of NPF4.

Providing Suitable Services

- 6.10 The site is currently a car park, and would maintain some spaces for parking in the proposal. However, several comments object to the proposal. The overwhelming reason for objection is that Station Road and Bridge Street are notably congested at times, and the increased traffic from customers servicing the car wash can drastically increase traffic jams and potential pedestrian risk. The Community Council are also concerned by this. However through consultation, Roads Development have reviewed the proposal from the context of parking and access and have no objections. It should also be noted that the current use of the car park is to serve the former bank. Historically there have been constant comings and goings from the site as customers have visited the bank. It would be expected that the length of visit would be longer as a car wash, hence reducing the amount of vehicle movements to and from the site.
- 6.11 Whilst there have been no objections raised from Scottish Water on the proposals, there has been ongoing discussions regarding details of the drainage layout at the car wash areas and the requirement to include a suitable sized oil and silt separator to protect the public sewer system. The applicant has provided additional details on the site plan, showing the existing surface drains, gullies and a 3000l clearwater washdown and silt separator as well as manufacturers literature on fuel and oil separators and grease separators. The agent has also provided calculations for the surface water soakaway. The information provided is considered suitable and as such, the application is not in conflict with Policy RD1 of ALDP 2023.

Representations

- 6.12 With regards to concerns raised through letters of representation, the principle of development has been assessed above and found this proposals to be acceptable in the town centre. The concerns regarding roads issues have been considered above, and to reiterate Roads Development has no objection to the application.

Conclusion

- 6.13 The proposed development is not in conflict with Policy 9 Brownfield, vacant and derelict land and empty buildings and Policy 27 City, Town, Local, and Commercial Centres of NPF4 and Policy B1 Town Centre Development of ALDP 2023 as it would see the re-use of a vacant site within the town centre and introduce a new business to the town. The proposed use will not cause a significant negative impact on amenity and given the location to the rear of the building, as well as the scale of the development, the proposals will not have a significant impact on the character of the town centre. The applicant has provided sufficient information to ensure that any run off from the wash

facilities can be controlled. As such, the application 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 (IIA) has been carried out as part of the development of the proposals set out above. An IIA screening was carried out following the receipt of a letter of representation that highlighted a concern in relation to the single-track road that also services a supported living facility on the lane. Through the screening process it was established that there would not be an impact on people and/or groups with protected characteristics. However, given the site is located within Ellon Town Centre, the proposal would cause an impact.
- 8.2 The IIA is included as **Appendix 5** and the following impact has been identified which cannot be fully mitigated as explained below.
- 8.3 With regard to parking, a number of spaces would be utilised for the car wash facility. They will still be delineated on the ground but whilst the car wash is in operation the spaces will be utilised for the business and not regular parking. The spaces are not lost, when the business is closed the spaces will be retained. As this is not a public car park, there is no loss of spaces to the general public and the building is vacant. The residential flats above do not have any dedicated parking in this area. Roads Development have confirmed that any parking requirements can be accommodated by surrounding public car parks.
- 8.4 In addition there are also positive impacts in that new business would re-use part of a vacant building and land and create additional footfall to the town centre and may result in multi trips to other town centre facilities as well as providing additional economy to the town.
- 8.5 There are no staffing and financial implications.
- 8.6 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.
- 8.7 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 Development Plan Departures

None

9.2 The application is not a Departure from the valid Development Plan and no departure procedures apply.

9.3 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.

9.4 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 GRANT subject to the following conditions:-

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. The development hereby approved shall not be brought into use until the fuel and oil separator has been installed in accordance with the approved details. The system will be maintained in accordance with the manufacturers guidance and shall be retained on site in perpetuity.

Reason: To prevent excessive amounts of fuel and oils from the premises entering the public sewer system and thereby ensuring there is no adverse impact on the public sewer from the development.

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 2023 (ALDP23) and National Planning Framework 4 (NPF4).

The proposed development is not in conflict with Policy 9 Brownfield, vacant and derelict land and empty buildings and Policy 27 City, Town, Local, and Commercial Centres of NPF4 and Policy B1 Town Centre Development of ALDP 2023 as it would see the re-use of a vacant site within the town centre and introduce a new business to the town. The proposed use will not cause a

significant negative impact on amenity and given the location to the rear of the building, as well as the scale of the development, the proposals will not have a significant impact on the character of the town centre. The applicant has provided sufficient information to ensure that any run off from the wash facilities can be controlled.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Ann Ramsay
Report Date: 31 January 2024