



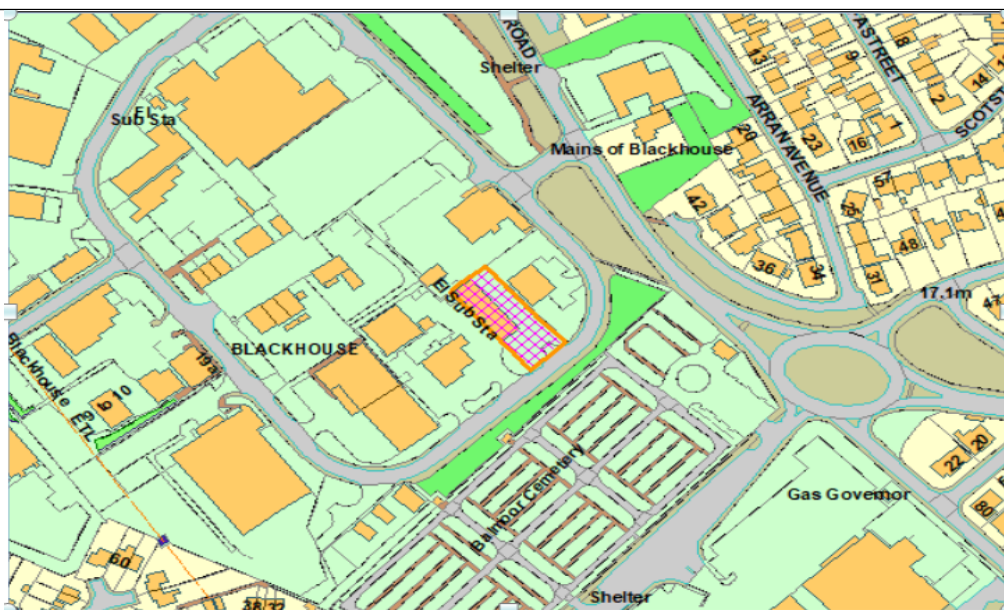
## Buchan Area Committee Report 27 February 2024

Reference No: [APP/2023/1709](#)

**Full Planning Permission For Change of Use from Business (Class 4) & General Industrial (Class 5) to Class 1A (Retail), Sui Generis and External and Internal Alterations and Amendment to Site Access at George S Forman Ltd, 25 Blackhouse Circle, Blackhouse Industrial Estate, Peterhead, AB42 1BN**

**Applicant:** Tempo Group Ltd, 5 Blackhouse Circle, Blackhouse Industrial Estate, Peterhead, AB42 1BN  
**Agent:** Coats Architecture, 7 Harelaw Avenue, Glasgow, G44 3HZ

Grid Ref: E:411647 N:847013  
Ward No. and Name: W05 - Peterhead North and Rattray  
Application Type: Full Planning Permission  
Representations: 0  
Consultations: 4  
Relevant Proposals Map: Aberdeenshire Local Development Plan 2023  
Designations: Accessible Rural Area, BUS  
Complies with:  
Development Plans: No  
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.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 1.2 The Monitoring Officer within Business Services has been consulted in the preparation of this report and had no comments to make and is 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 from business (Class 4 and 5) to Retail (Class 1A) and sui generis use, which also includes a number of external alterations at 25 Blackhouse Circle, Blackhouse Industrial Estate, Peterhead (Appendix 2 - location plan and site plan). The site, measuring approximately 1350 square meters, lies within Blackhouse Industrial Estate in the north-west of Peterhead.
- 2.2 The estate is part of Peterhead's BUS1 site safeguarded for business uses. The site itself consists of an industrial building measuring approximately 10 by 40 metres (400 sqm) and a yard area measuring approximately 900 sq.m. The site is accessed from the south east via Blackhouse Circle. To the north is an existing car dealership (*sui generis*), and to the south is an existing industrial unit. The existing building is partially rendered masonry and partially steel clad, with roller shutter doors and is enclosed with a steel palisade boundary fence.
- 2.3 The proposal is for a members' only retail warehouse, which will incorporate food and drink sales, non-food and drink sales, hot food take-away and social meeting space. The unit is, as advised in the supporting statement, to be run by a local church, and will be open to around 285 church members.
- 2.4 The proposal also seeks minor external alterations to the building incorporating the replacement of a roller shutter door on the east elevation with a black aluminium entrance door, and opaque grey added to windows on the east elevation. Internally, the existing partitions will be removed, and the building will have a sales area of 208 sq.m, a lobby/display area, a kitchen and stores (including fridge/freezer) (Appendix 3 - proposed floor plan and elevations).
- 2.5 The site has the following planning history:
  - APP/2019/1346 Extensions to Factory. Granted, 26 August 2019
  - APP/2006/1733 Change of use from use Class 4 (Business) to use Class 5 (General Industrial) and Class 1 (Shops). Granted, 5 September 2006

- 2.6 The application is supported by a Planning Statement and Sequential Assessment Report from Coats Architecture (September 2023).
- 2.7 The application description was amended from 'Change of Use from Business (Class 4) & General Industrial (Class 5) to Sui Generis, and external and internal alterations and amendment to site access' to 'Change of Use from Business (Class 4) & General Industrial (Class 5) to Class 1A (Retail), Sui Generis and External and Internal Alterations and Amendment to Site Access' on 28 September 2023.

### **3. Representations**

- 3.1 No valid letters of representation have been received.

### **4. Consultations**

- 4.1 **Environment and Infrastructure Services (Contaminated Land)** advise that no further information in respect of contaminated land is required.
- 4.2 **Environment and Infrastructure Services (Roads Development)** has commented that it has no objection.
- 4.3 **Environment and Infrastructure Services (Environmental Health)** has no objection to the application but highlight that the layout, design and ventilation will need to comply with EU 852/2004 and advise an informative is added to any approval.
- 4.4 **Scottish Water** at the time of writing this report had not responded to the consultation.

### **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 14 Design, quality and place  
Policy 26 Business and industry  
Policy 28 Retail

## 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 B2 Employment/Business Land  
Policy P1 Layout, Siting and Design  
Policy P4 Hazardous and Potentially Polluting Development and Contaminated Land  
Policy RD1 Providing Suitable Services

## 5.3 Other Material Considerations

Aberdeenshire Council Planning Advice PA2023-19 - Town Centre Impacts. Peterhead Town Centre Health Check.

## 6. **Discussion**

- 6.1 The main issues for consideration are whether the application is acceptable in principle, whether it would have any adverse impact on the amenity of the area, and whether it would have any negative impact on the viability of Peterhead town centre.

### Principle

- 6.2 The development is not a retail use in the conventional sense. It is a members' warehouse retail facility which serves only members as customers. There is no explicit planning legislation governing such uses in Scotland although it is noted that English legislation specifies them as a *sui generis* use. It is acknowledged that such uses do not have the same public accessibility or footfall as conventional retail and for this reason are often considered compatible with business and industrial uses. While the application development is on a smaller scale than is typical for warehouse retail shops, its user base would be limited in the same manner, if not more so due to the criteria for membership being limited to the community.
- 6.3 Due to these considerations which highlight the unusual character of the proposal, the application's principle should be assessed taking a rounded view of the policies for commercial and retail development in the statutory development plan, taking into account the ways in which the proposal resembles but is also distinct from conventional retail use. The implications of losing Class 4 Business is also of consideration.

## Town Centre Development

- 6.4 Policy B1 Town Centre Development of Aberdeenshire Local Development Plan (ALDP) 2023 supports retail and other frequently visited uses only in defined town centres unless a sequential assessment shows that another site is clearly more appropriate. The sequential assessment must demonstrate that the proposal would not have a significant adverse effect on the vitality and viability of existing town centres and would not result in any issue identified by a Town Centre Health Check or Town Centre Strategy being made worse. NPF4 Policy 28 echoes these requirements, requiring retail development to be consistent with the town centre first principle, directing retail uses to be within or on the edge of town centres or commercial areas identified as suitable for new retail development in the local development plan. Retail proposals that do not meet these criteria will be supported where they are small-scale neighbourhood development which contributes to local living or the health and well-being of the local community.
- 6.5 A sequential assessment has been submitted in support of the application which assesses nine sites in the Town Centre available for sale/lease at the time of submission (September 2023) against the requirements of the development. These requirements are for approximately 200-300 square metres of retail space and 100-200 square metres of warehousing space as well as on-site parking and servicing/delivery space. The planning authority is satisfied that these requirements are reasonable and relevant to the development, and that the document is appropriately comprehensive in its selection and assessment of sites. The assessment finds that all sites are unsuitable either for not fully meeting the brief or requiring alterations unviable to the enterprise, and the Planning Authority considers this finding reasonable. Sequential assessment is not a specified tool for determining exceptions under NPF4 Policy 28. The Peterhead Town Centre Health Check 2022 does not identify any issues which would be made worse by this proposal.
- 6.6 The proposed unit is small scale, and of neighbourhood retail scale. However, interpreted as a strict retail development, the application has some conflict with Policy 28 of NPF4. Policy 28(c) requires small scale neighbourhood retail to contribute to local living/20 minute neighbourhoods and/or contribute to the health and wellbeing of the local community. The members do not necessarily live in proximity to the site. However, the site is accessible by public transport, and any members living nearby would be able to walk to the unit. Due to the unit only being accessible to a limited membership, it is deemed there would be less impact on the town centre
- 6.7 Overall, whilst there is some conflict with Policy 28 of NPF4, the information submitted in support of the application demonstrates that there is no alternative town centre site, and the site is in an accessible location. The proposal is deemed an appropriate for the reasons outlined when assessed against Policy B1.

## Business Land

- 6.8 The site is part of an allocation BUS1 safeguarded for business use in the Peterhead settlement statement. ALDP 2023 Policy B2 Employment/Business Land will not support 'non-employment uses' on sites that have been identified in this way. 'Employment use' is defined in the ALDP Glossary as 'industrial, business, and other employment uses, normally classes 4, 5, and 6 of the Use Classes Order'. While the application is not for any of these use classes, it has been acknowledged above that warehouse retail clubs may be considered compatible with these use classes and on commercial sites (such as the existing Tempo Trading on Blackhouse Circle).
- 6.9 The application entails the loss of approximately 340 square metres of Class 4 Business space. Policy B2 of ALDP 2023 further safeguards existing land used for business unless there is a constraint on the site whereby there is no reasonable prospect of it becoming marketable for business development or is poorly located for employment use. Alternative uses must benefit the local community and not prejudice the strategic employment land requirement. They must respect the character of the area and be compatible with nearby uses, and should not remove all business land opportunities within a settlement. However, as already discussed, the proposal is assessed to be of a type that is compatible with employment use.
- 6.10 It is noted that the supporting statement advises the unit is currently in an unusable condition. However, the applicant has not been able to provide marketing information to demonstrate that the unit has been on the open market for a reasonable time. Therefore, there is not sufficient evidence that the unit is unmarketable, redundant for employment use, or is poorly located for employment uses. In this regard the proposal is not compliant with Policy B2.
- 6.11 In relation to employment land supply, there are alternative business units available in Peterhead, as shown by an online review of available industrial property. Aberdeenshire Council have a number of units available for rent at the time of writing and the existing unit is likely to become available for business if it relocates to this unit. The 2021/2022 Employment Land Audit confirms that there is 14.17 hectares of marketable supply.
- 6.12 The proposed members use retail is of benefit to the local community, albeit it is not available to the wider public. The proposal includes a social meeting space and hot food take-away / hot food deliveries prepared from a community kitchen. These uses are ancillary to the main retail use proposed, and will provide a benefit to the community it serves.
- 6.13 Overall, the applicant has not demonstrated that the unit has been suitably marketed, and is therefore in conflict with this part of Policy B2. However, the loss of approximately 340 sq.m. of business space, which is not currently occupied, will not significantly affect the strategic employment land supply. A review of available property in Peterhead shows that there are other business units available to let. In addition, a condition limiting the use to the present

occupants is recommended to reflect the suitability of the site for this type of specialised use. The Planning Service is of the view that there is suitable justification to support the proposed use in conflict with Policy B2.

#### Layout Siting and Design

- 6.14 NPF4 Policy 14 sets out the six qualities of successful places that all developments must demonstrate that they be healthy, pleasant, connected, distinctive, sustainable and adaptable. ALDP Policy P1 Layout, Siting and Design sets out similar criteria that do not conflict with those of NPF4 Policy 14.
- 6.15 The proposed external alterations are minimal, and are acceptable. The application site is around 200 metres walk from the nearest bus stop on North Road, and is therefore well connected with reference to Designing Streets guidance. There are no other aspects of the development which conflict with the qualities outlined in NPF4 Policy 14 or ALDP Policy P1.

#### Access

- 6.16 Policy RD1 of ALDP 2023 'Providing Suitable Services' requires developments to provide adequate access, parking and servicing for developments to ensure safety and amenity. The site plan shows the site has suitable servicing and parking arrangements, and Roads Development have no objection to the development. The application therefore accords with ALDP Policy RD1.

#### Conclusion

- 6.17 The application is for an unusual proposal that does not fit neatly into the categories of employment land or retail land presumed in ALDP 2023 Policies B1 and B2 and NPF4 Policy 28 of the statutory development plan. Overall, it is deemed to be acceptable in principle, being a quasi-retail use supported by a sequential assessment that is compatible with employment uses and serves a defined and limited market. For this latter reason it is necessary to secure the principle with a condition restricting the use and operation of the site to its present occupants. The application site is suitably connected and serviced by sustainable means under ALDP Policies P1 and RD1 and does not conflict with any other placemaking values or ALDP Policy P4. It is therefore recommended the application be approved subject to conditions.

### **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 has been carried out as part of the development of the proposals set out above. It is included as Appendix 1 and the following impacts have been identified which can be mitigated as described.

Potential negative impact on footfall within town centre.

- 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 Development Plan Departures**

Policy B2 Employment/Business Land.  
Policy 28 Retail

- 9.2 The application is a Departure from the valid Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 9.3 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 Full Planning Permission 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 occupancy and operation of the development hereby granted shall be limited to the Tempo Trading company which occupies and operates the site as of the date of this decision notice. Upon the cessation of this occupancy and operation, the use of the site shall be restored to Business (Class 4) and General Industrial (Class 5) exclusively.

Reason: To ensure that the approved use of the site is limited to the circumstances that make it acceptable as a departure to the statutory development plan. The Planning Service would not seek to grant an open Class 1A use which could operate within the town centre. It is the specific circumstances of the proposed occupant, and the associated benefit to the community which enables the Planning Service to depart in this instance.

## 10.2 Reason for Decision

The proposal for a members retail unit (Class 1A), comprising local scale retail use is in conflict with Policy B2 Employment/Business Land relating to the loss of business land. However, the proposal occupies an existing building in the industrial area, and there are demonstrated to be alternative business premises in Peterhead. Any impact it may have on the Town Centre would not be significant due to the unique characteristics of the proposal which includes significant elements of community benefit for the reasons cited in the supporting statement. There is a limited defined market of the development proposed and the sequential assessment demonstrates the consideration and exclusion of other sites within the town centre, which is in accordance with Aberdeenshire Local Development Plan 2023 Policy B1 Town Centre Development and National Planning Framework 4 Policy 28 Retail. The application is connected to local public transport networks and does not otherwise conflict with the qualities of place required under National Planning Framework 4 Policy 14 Design, quality and place and Aberdeenshire Local Development Plan 2023 Policy P1 Layout, Siting and Design. The parking and servicing provisions meets the requirements of Aberdeenshire Local Development Plan 2023 Policy RD1 Providing Suitable Services.

**Alan Wood**  
**Director of Environment and Infrastructure Services**  
**Author of Report: Sarah Graham**  
**Report Date: 7 February 2024**