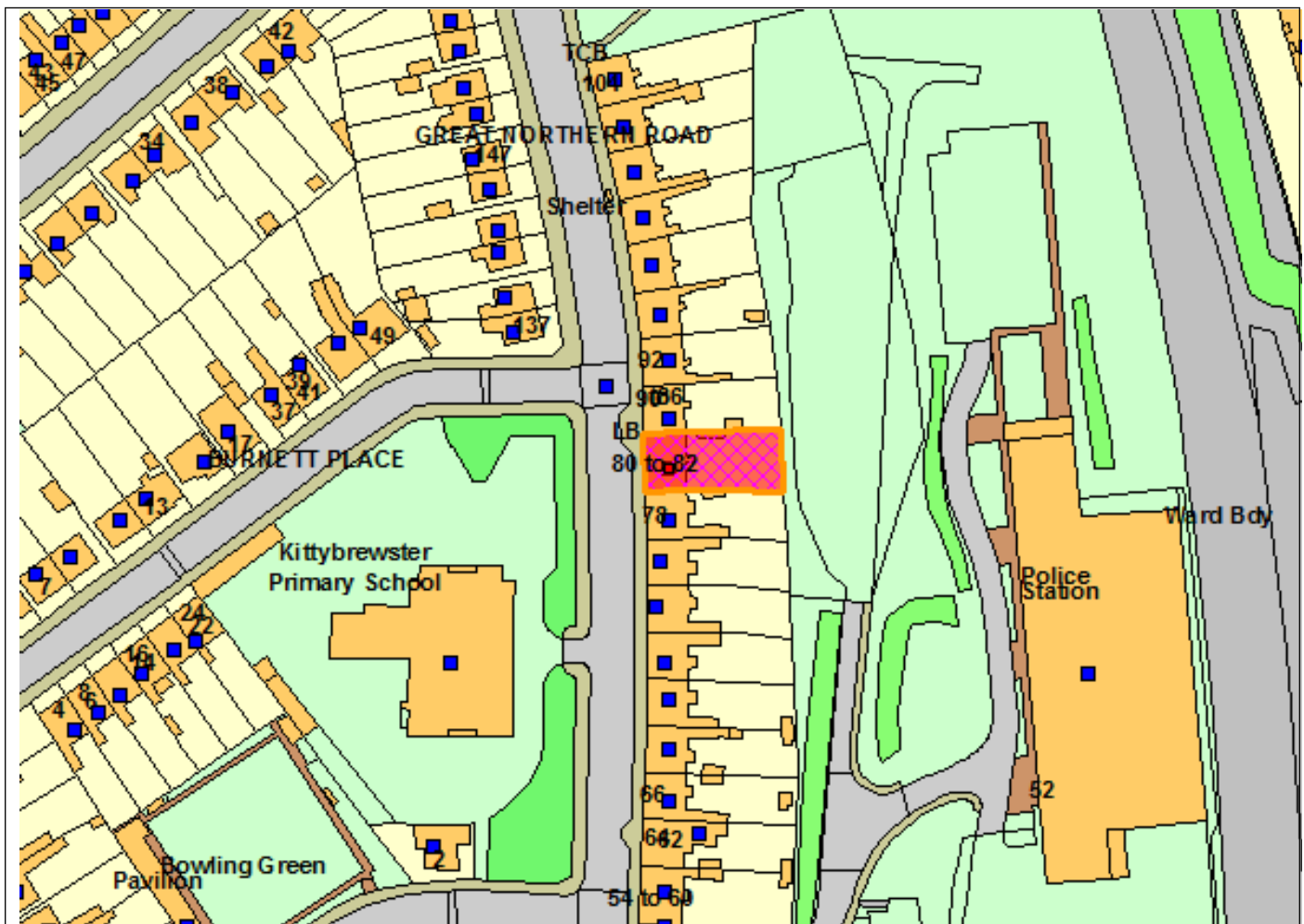


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 31 October 2019

| | |
|---------------------------------|---|
| Site Address: | M And R Stores, 80 Great Northern Road, Aberdeen, AB24 3QB |
| Application Description: | Change of use from class 1 (shops) to form one residential flat (sui generis), to include infill of existing shop front and alterations to rear windows |
| Application Ref: | 190768/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 13 May 2019 |
| Applicant: | Mr Mazar Hussain |
| Ward: | Hilton/Woodside/Stockethill |
| Community Council: | Rosehill And Stockethill |
| Case Officer: | Alex Ferguson |



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a 2½ storey traditional granite-built tenement block and its rear curtilage, situated on the eastern side of Great Northern Road, opposite Kittybrewster Primary School. The mid-terraced tenement block incorporates no's 80 & 82 Great Northern Road, with the application relating to no. 80 – a retail unit which occupies the southern half of the ground floor. The northern half of the ground floor level forms one of 5 flats within the building (one at ground floor and two each at first and second floor levels), although the ground floor unit was previously a shop until it was converted to residential use and its frontage infilled in c. 2007. It is believed that the 5 flats within the remainder of the building are all in use as serviced apartments. They are all accessed via one communal entrance door on the front elevation and all have access to the rear garden area to the east of the building.

Relevant Planning History

| Application Number | Proposal | Decision Date |
|--------------------|--|--|
| 171123/CLP | Proposed use comprising snack and sandwich takeaway shop including sale of heated items for consumption off the premises | 21.11.2017 Status: Certificate Issued |
| 102057 | Change of use from hot food shop to residential unit and build up shopfront | 18.02.2011 Status: Withdrawn by the Applicant |
| 070165 | Change of use of the neighbouring shop at no. 84 (Ground Floor Left) to a flat | 08.03.2007 Status: Approved Conditionally |

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the existing vacant retail unit to a residential flat, and for associated external alterations. The external alterations include:

- The removal and infill of the existing shopfront on the front elevation with granite blockwork to match the existing building;
- The installation of two window openings in the infilled front elevation;
- The reinstatement of two windows (and installation of grey rendered sections) on the rear elevation; and
- The installation of a secure bicycle storage facility in the rear garden area, adjacent to the rear elevation.

The application initially sought consent for the creation of two flats, rather than one, and for different alterations to the front and rear elevation, including the installation of a new front door and pvc panels above the new front and rear windows. Due to concerns raised in respect of the quality of amenity that would be on offer for the occupants of the two flats, as well as issues with the design of the front elevation alterations in particular the proposals were subsequently amended to those noted above.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PR726MBZFU400>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because a total of six objections to the application have been submitted by members of the public.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Whilst the proposed 2-bedroom flat requires 1.5 parking spaces, in accordance with supplementary guidance, the existing retail unit requires 2 spaces, thus there would be no net detriment in relation to parking demand. Secure cycle parking provision is required and although not initially proposed, was subsequently added to the proposals.

ACC - Environmental Health – No objection to the amended proposals to create one dual-aspect flat, with bedrooms located to the rear, but requested that the windows achieve suitable acoustic performance. Satisfied that the amended proposal to install triple-glazed windows to the front elevation would suffice in achieving the required acoustic performance. Initially had concerns regarding the proposal to create two flats, particularly in respect of the front-facing single-aspect unit and how it would be affected by noise from vehicles on Great Northern Road.

ACC - Waste Strategy Team – No objection. There are existing 1280l bulk bins for general waste and mixed recycling and a food waste bin on Great Northern Road that the flat can access.

Rosehill and Stockethill Community Council – No response.

REPRESENTATIONS

Six objections to the application have been received, although it is worth noting that the objections were received based on the initial proposal to create two separate flats and that the neighbouring properties have not been re-notified since the two flats originally proposed were amalgamated to the new proposal for a single flat only. The material considerations raised in the objections can be summarised as follows:

- The proposal for 2 flats would result in the overdevelopment of the tenement and there are insufficient amenities to support two units;
- The proposed external alterations (window design, use of pvc cladding etc) are not in keeping with the character and appearance of the building and the remainder of the street;
- It is preferred that the unit remains in retail use as local shops are sparse in the area;

- A PVC door would not be in keeping with the design of the building, with all other doors solid timber units;
- The rear elevation infills should be built up in granite and the new windows and doors should be constructed from timber rather than pvc;
- There is insufficient car parking in the area and 2 new flats would exacerbate the existing shortfall;
- The existing on-street bins are already at capacity. Any new bins would take up existing on-street car parking spaces;
- The additional two flats would result in undue noise and disruption to the existing properties in the tenement;

A few of the objectors did note that they would not be opposed to the creation of one flat (rather than the two initially proposed), with a door taken off the internal communal hallway and one window installed on the front elevation.

The following non-material considerations were also raised:

- The owner of the shop unit has not contributed toward maintenance of the common areas since 2006. All repairs and maintenance should be equally split with any future flat owners;
- The pvc cladding would cheapen the building and make the remaining flats less appealing when trying to sell.
- The loss of the retail unit would be bad for the remaining retailers in the area, segregating the remaining shops and making them untenable.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (ALDP)

- D1: Quality Placemaking by Design
- H1: Residential Areas
- NC7: Local Shop Units
- R6: Waste Management Requirements for New Development
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise

Supplementary Guidance and Technical Advice Notes

- Transport and Accessibility

EVALUATION

Principle of Development

In establishing whether the principle of the proposed development is acceptable in this instance, there are two questions to be asked. Firstly: is the principle of the loss of the existing retail unit acceptable? And secondly: Is the principle of residential use also acceptable?

Loss of the existing retail unit

As the application site lies outwith any centres identified in the hierarchy (Town, District, Neighbourhood Centres etc), Policy NC7 (Local Shop Units) of the ALDP applies. Policy NC7 states the following:

Proposals for changes of use from retail to non-retail in local shop units not located in any of the centres identified in the hierarchy will only be allowed if:

- (1) the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant);*
- (2) the proposed new use caters for a local need;*
- (3) the proposed use retains or creates a live and attractive frontage; and*
- (4) the alternative use does not conflict with the amenity of the neighbouring area.*

The four criteria of NC7 can be addressed as follows:

Demonstrating a lack of demand

The agent has confirmed that the retail unit (originally a newspaper and convenience shop) had lain vacant for approximately 18 months before re-opening in c. 2017 as a takeaway sandwich shop (also Class 1). That venture was unsuccessful and after several months, it closed. Google Streetview images show that the unit has been vacant and marketed (with a 'To Let/May Sell' signboard installed on the property) since at least August 2018: over a year at the time of writing. The premises have been marketed by 'Shepherd Commercial' for continued retail use in that time, to no avail. Hence the owner is now seeking planning permission to convert the property into residential use.

The proposed new use caters for a local need

Both the Strategic Development Plan and ALDP highlight that there is a continued need for new housing in Aberdeen.

The proposed use retains or creates a live and attractive frontage

This is assessed in more detail in the 'Design' section of the evaluation below but it is considered that whilst not retaining a 'live' frontage as would be expected in a commercial sense (traditionally involving large glazed areas of a shop front), the proposal to infill the shopfront with granite to match the existing building and to install two window openings (also designed to reflect the existing building fenestration) would create an attractive frontage which complements the remainder of the building and is considered to comply with this criterion of the policy in that context.

The alternative use does not conflict with the amenity of the neighbouring area

This is discussed in more detail in the 'Principle of Residential Use' and 'Amenity' sections of the evaluation but in principle, the addition of a further residential unit to a building and a street already predominantly in residential use would not cause any conflict with the amenity of the area.

Thus it is considered that the loss of the retail unit has been adequately justified in terms of a lack of demand for continued retail use, and that the new residential use and associated external alterations would be compliant with the various criteria and overall aims of Policy NC7.

Principle of residential use

The application site lies within a residential area as zoned in the ALDP. Policy H1 (Residential Areas) of the ALDP is thus applicable. Policy H1 states:

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

- (1) does not constitute over development;*
- (2) does not have an unacceptable impact on the character and amenity of the surrounding area;*
- (3) does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and*
- (4) complies with Supplementary Guidance*

H1 further notes that:

Any proposed loss of Local Shops or Community facilities would need to comply with the relevant policies Policy CF1 Existing Community Sites and Facilities and Policy NC7 Local Shop Units.

Therefore, in order to establish the principle of the proposed residential use, a further, detailed assessment is required in relation to criteria 1, 2 and 4 of Policy H1. The development would not result in the loss of any open space and is thus compliant with criterion 3. As noted in the foregoing section of the evaluation, the proposal complies with Policy NC7.

Overdevelopment

Traditionally, an assessment as to whether a proposed development constitutes 'overdevelopment' is based on the plot coverage and the percentage by which the footprint of an existing dwelling would be increased by any extensions. However, it is considered pertinent in this instance to assess whether the proposed use would result in the overdevelopment of the tenement block within which it would be sited. In this regard, the general pattern and form of development on the street sees terraced tenement blocks containing 6 flats in total, with three dual-aspect units on each floor (aside from the blocks containing commercial units at ground floor), either side of a central communal stairwell. The original proposal to create two flats in place of the existing retail unit would have seen

the number of units in the building increase to 7, introducing an uncharacteristic form of development and increasing the strain on the existing communal amenities in the process. It is thus considered that the creation of 2 flats, as originally proposed, would have resulted in the overdevelopment of the site. However, following the amendment of the application to amalgamate the two units into one, larger dual-aspect unit, it is considered that the proposal would sympathetically reflect the prevailing form and pattern of development on the street and that it would therefore not constitute overdevelopment.

Impact on the character and amenity of the area

The initial proposal would have seen a new PVC front entrance door installed into the front elevation of the building, along with two window openings which would have borne little resemblance to those in the remainder of the façade or the street. PVC infill panels were also proposed above the windows to both the front and rear. The Planning Authority considered that the initially proposed external alterations, particularly to the front elevation onto Great Northern Road, would not have been sufficient in terms of design quality to ensure that the character and appearance of the building and the street as a whole would have been preserved.

As such, following discussions with the applicant, they agreed to amend the proposals to ensure the following:

- the new front elevation windows would be of the same design, scale and alignment as those in the remainder of the building, with the PVC panels omitted;
- the defunct shopfront and fascia would be removed and replaced with granite blockwork to closely match the remainder of the building (a condition is required to ensure the stone type and colour, module size and coursing details are all appropriate);
- the removal of the new front entrance door, which would have been alien to the street, with the flat now proposed to be served by the existing communal entrance door and a new internal door taken off the communal hallway.

The amended proposals are considered to be of sufficient design quality to ensure that the character and appearance of the area would be preserved.

In terms of amenity, whilst the principle of a new residential use within an established residential area is generally acceptable, it was considered that the initial proposal to create two flats could have had a detrimental impact on the amenity of the existing properties within the remainder of the building by adding excessive strain to the existing shared facilities (the rear garden area in particular). It was also considered that the creation of two small (c. 30sqm), single-aspect one-bed flats would not create a sufficient quality of amenity for the occupants of those two flats, particularly for the front-facing flat, due to the heavily-trafficked nature of Great Northern Road and the implications that has on noise emissions.

Policy T5 (Noise) of the ALDP states that in cases where significant exposure to noise is likely to arise, a Noise Impact Assessment (NIA) will be required as part of an application. Whilst the Council's Environmental Health Team requested an NIA be submitted for the initial proposals to create two flats, they noted that suitable changes to the layout with bedrooms located to the rear may remove the need for an NIA. The revised proposal to create one larger, dual-aspect two-bed flat allows the bedrooms to be located to the rear, much quieter side the building and for the flat to be relatively spacious internally, benefitting from a reasonable quality of amenity. Environmental Health were re-consulted on the amended proposals and they are satisfied that an NIA is not required and that the dual-aspect flat would not suffer from noise emissions providing that windows with suitable acoustic performance are installed. In this regard, the amended plans show that triple glazed windows would be installed to the front elevation and a condition is considered necessary,

requiring the triple-glazed front windows to be installed as per the plans, in order to ensure an adequate level of amenity is achieved.

The creation of one flat, as opposed to two, also aligns with the prevailing form and pattern of development seen in the area, as noted in the 'Overdevelopment' section, and it is considered that the addition of a sixth unit to the existing building would not place undue strain on the existing shared amenities.

Thus it is considered that, subject to conditions in respect of the granite detailing for the façade infill and the acoustic performance of the new windows, the amended proposals would see one flat created with an acceptable level of amenity, without detriment to the amenity of the surrounding area and of sufficient design quality to preserve the character and appearance of the building and the wider area. The proposals are therefore considered to comply with Policies D1 and T5 of the ALDP, as well as criterion 2 of Policy H1.

Compliance with Supplementary Guidance (SG)

Aside from compliance with the Transport and Accessibility SG, which is assessed in the following section of the evaluation on 'Transport and Accessibility', there is no other supplementary guidance which is specifically relevant to this application.

To summarise, it is therefore considered that the proposed development would comply with all four criteria of Policy H1 (Residential Areas) of the ALDP.

Waste Management

The Council's Waste Strategy Team confirmed that the initially proposed two flats would be able to use the existing adjacent on-street waste and recycling bins. Adequate waste storage facilities are already in place for the one flat to be created and the proposals are therefore compliant with Policy R6 (Waste Management Requirements for New Development) of the ALDP.

Transport and Accessibility

Whilst the proposed 2-bedroom flat requires 1.5 parking spaces, in accordance with supplementary guidance, the existing retail unit requires 2 spaces, thus there would be no net detriment in relation to parking demand. The flat is situated in an accessible location, in close proximity to regular bus services, and a secure cycle parking facility is proposed to be installed in the rear garden area (although a condition is added requiring further detail of the structure and requiring its installation prior to occupation). Thus it is considered that the proposed development would not have an adverse impact on on-street parking provision and that the property would be capable of being accessed via sustainable modes of transport. As such, the development is considered to comply with Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the ALDP, as well as the Council's SG on Transport and Accessibility.

Concerns raised by objectors

The majority of the concerns raised by objectors in the representation received have been addressed in the amendments made to the initial proposals, and in the foregoing evaluation. The remaining points raised can be addressed as follows:

- The rear elevation infills should be built up in granite and the new windows and doors should be constructed from timber rather than pvc

The initially proposed pvc front door has been omitted from the proposals, with the one flat now proposed to take access internally from the communal stairwell. The rear elevation infills

above the new windows to be installed were initially proposed to be constructed with pvc cladding, which the Planning Authority agreed would not be a satisfactory material. Whilst the use of granite to match existing would be acceptable, the applicant's amended proposal to utilise a grey render is also considered to be acceptable, given that its colour would sympathetically match the granite and the rear elevation is not visible from any public viewpoints. The grey render would adequately preserve the character and appearance of the area. Given the building is not listed nor within a conservation area and the vast majority of existing windows in the terrace are pvc-framed, it is not proportionate to require the new windows to be timber-framed. Whilst the original window positions and fenestration patterns have been amended to match the remainder of the building, the use of pvc as a frame material would not harm the character or appearance of the area and is thus acceptable.

Strategic Development Plan

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.

Extension of Time

The submission of amended plans and subsequently the additional time required in order to take the application to the Planning Development Management Committee, have taken the application beyond the target 2-month determination period. As such, the applicant has agreed to several extensions to time for the determination of the application, with the latest one expiring on 8 November 2019.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The existing retail unit has been vacant and marketed for continued retail use for at least 12 months, without success. The loss of the retail unit is considered to be justified in accordance with Policy NC7 (Local Shop Units) of the Aberdeen Local Development Plan (ALDP). The original proposals to create two flats and the associated external alterations were considered to be unacceptable with regard to preserving the character and amenity of the area. The application was subsequently amended and the revised proposals to create one flat, with more sympathetic external alterations, are considered to create a satisfactory residential environment, preserve the character and amenity of the area, not constitute overdevelopment and not result in the loss of any open space, all in accordance with Policy H1 (Residential Areas) of the ALDP. The external alterations, subject to the submission of further details via condition, have been designed with due consideration for the context of the site in accordance with Policy D1 (Quality Placemaking by Design) of the ALDP. The new flat would not unduly suffer from noise emissions, in accordance with Policy T5 (Noise) of the ALDP. The flat would not create any additional requirement for car parking compared to the existing retail unit and would incorporate a secure cycle parking facility which would encourage sustainable and active travel in accordance with Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the ALDP, as well as the corresponding Transport and Accessibility supplementary guidance. The occupants of the flat could utilise existing on-street communal bins and the proposals are thus compliant with Policy R6 (Waste Management Requirements for New Development) of the ALDP.

CONDITIONS

(1) Granite sample and module size / coursing details

A sample of the granite to be used in the front elevation façade infill, along with along with full details of the blockwork size, coursing specification and mortar mix shall be submitted to, and agreed in writing by, the Council as Planning Authority. Thereafter, prior to the occupation of the flat, the infill works to the front elevation shall be carried out in full accordance with the agreed details and those shown in the approved drawing MH0219-002c, or similar as has been agreed in writing by the Planning Authority.

Reason: In order to preserve the character and appearance of the area.

(2) Cycle storage details and implementation

Prior to the occupation of the flat, full details of the secure cycle storage facility shown on approved drawings MH0219-001d and MH0219-003c shall be submitted to, and agreed in writing by, the Planning Authority and thereafter the cycle storage facility shall be installed in accordance with the agreed details.

Reason: In the interests of encouraging sustainable and active transport.

(3) Installation of triple-glazing

The new windows to be installed on the front (Great Northern Road) elevation, shall be triple-glazed, in accordance with the hereby approved drawing MH0219 – 001d.

Reason: In the interests of ensuring an adequate level of amenity is provided for the occupants of the new flat.

ADVISORY NOTES FOR APPLICANT

WASTE

A kitchen caddy and binliners plus associated information will be supplied from Aberdeen City Council for each resident free of charge.

Please note that levels of provision may alter in line with changing service requirements across the city that corresponds to alterations in legislation.

No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

It is pertinent to note that these services will be provided taking account of the following:

General points

- **No excess** should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.

- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied.

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented.

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact Hannah Lynch (halynch@aberdeencity.gov.uk)