

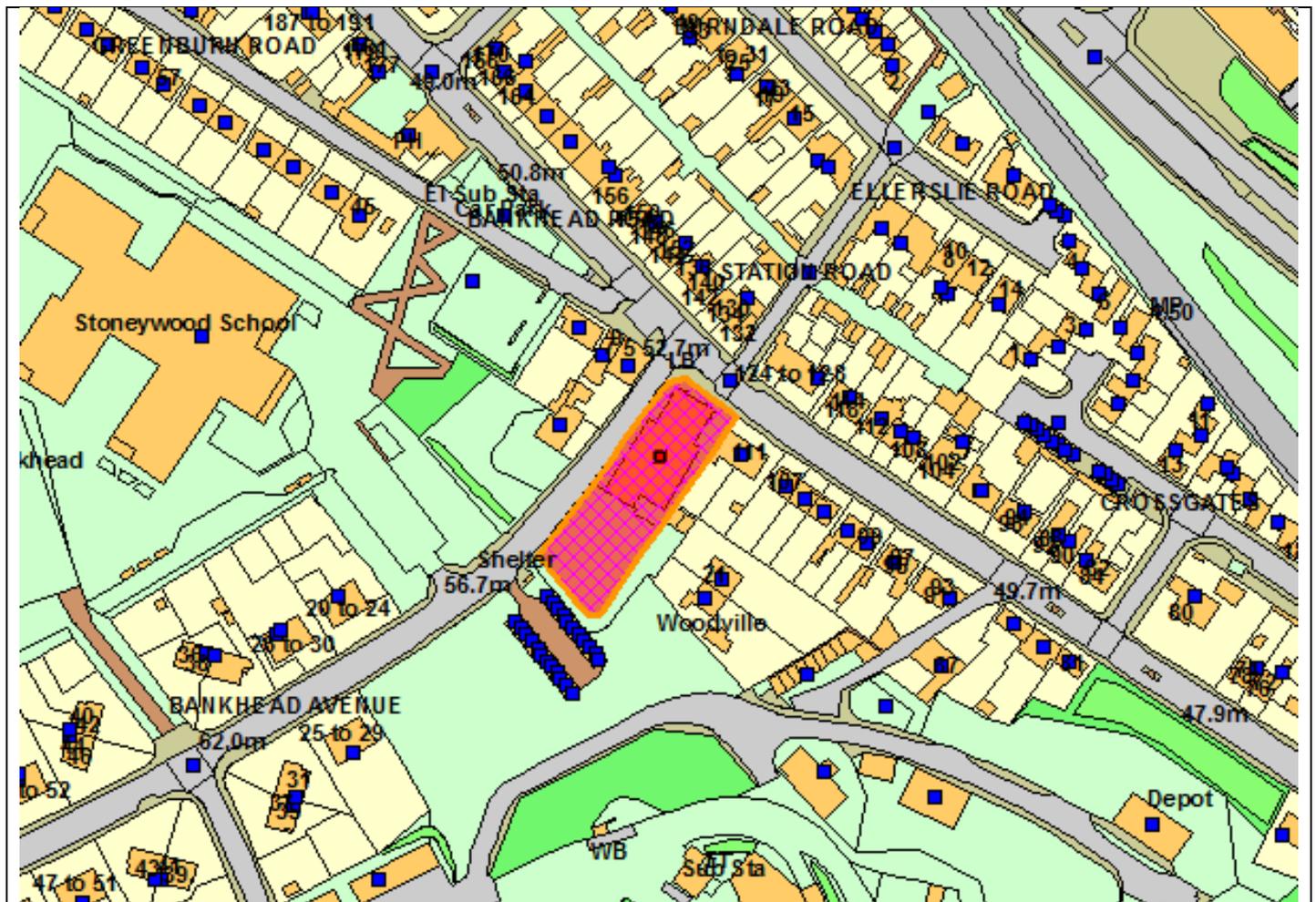


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 5 December 2019

Site Address:	1st Floor Part, Old Stoneywood Church, Bankhead Road, Aberdeen AB21 9HQ
Application Description:	Change of use of Ground and 1st Floor from class 4 (offices) to class 10 (non-residential institutions)
Application Ref:	191405/DPP
Application Type	Detailed Planning Permission
Application Date:	12 September 2019
Applicant:	Aberdeen Hindu Temple Trust
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Bucksburn And Newhills
Case Officer:	Robert Forbes



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

This former church building is located at the junction of Bankhead Road and Bankhead Avenue. It is a substantial detached granite building of Victorian origin. Last used as offices, the main (front) part has been vacant for 4 years. Access doors are provided on the front and side elevations. The interior of the church has previously been subdivided to form 2 floor levels during its conversion to office premises. There is a large ancillary surface carpark to the rear, accessed via Bankhead Avenue with ancillary external landscaped areas at the frontage. There is a residential property immediately to the east facing Bankhead Road, but those to the north and west are separated from the church by roads. The rear (single storey) part of the former church building is occupied by a vet practice. A hair and beauty salon, a takeaway and the newly built Stoneywood School are all located within the vicinity of the proposal.

Relevant Planning History

Application Number	Proposal	Decision Date
180757/DPP	Change of use from class 2 (financial, professional and other services) to class 10 (non-residential institutions) and erection of fence with gate	10.09.2018 Status: Approved Conditionally
051461	Conversion of rear extension to vet practice (class 2)	15.08.2005 Approved
901886	Change of use from church to printers	03.10.1990 Approved

A condition imposed on the 1990 permission restricted use of the premises to class 4 (business) use.

Permission 180757 relates to the main part of the site and has not been implemented. The approved nursery opening hours are 0730-1830, Monday to Friday.

APPLICATION DESCRIPTION

Description of Proposal

Change of use of the vacant part of the building (c. 700 square metres) and ancillary areas to create a Hindu temple (a class 10 use). The existing entrances would be retained. No external alterations are proposed. Internal facilities would include a yoga room, meditation room, prayer rooms and idol rooms. An ancillary office, a small kitchen (10 square metres) and toilets would be provided. The intended maximum operating hours would be between 8am and 10.30pm, 7 days a week. In addition to religious activities, the premises would be used to provide services to the local community, including yoga classes / meditation / other holistic therapies.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PXPTBDBZJEN00>

Applicant's Supporting Statement;
Owner's Supporting Statement;
Noise Impact Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection has been received from the local Community Council and the application is recommended for approval.

CONSULTATIONS

ACC - Roads Development Management Team – No objection.

ACC - Environmental Health – No objection. Request that a noise impact assessment is undertaken.

ACC - Waste Strategy Team – No objection

Bucksburn And Newhills Community Council – Object on the grounds of traffic generation / potential overspill parking pressure in the surrounding area. Concern regarding proximity to a primary school and potential road safety danger to children due to additional traffic.

REPRESENTATIONS

A total of 5 objections have been received, from local residents. Concerns include :-

- Car parking pressure on surrounding streets;
- Generation of noise disturbance;
- Adverse impact on local residents and businesses.

One local objector provides no reason.

A total of 241 supporting representations have been received, largely from residents of Aberdeen and Aberdeenshire, but also including from locally based community groups (e.g. Aberdeen Bengali Cultural Association; Nepalese Himalayan Association Scotland; Aberdeen Hindu Association) and from residents outwith Scotland. Issued raised include :-

- Positive re-use of the vacant church building;
- Fostering of positive community spirit;
- Benefit to local Hindu community;
- Good example to showcase community diversity

Aberdeen Hindu Association state that they have conducted bi-weekly pooja activities (Hindu worship ceremonies) at Queens Cross Church and Hilton Community Centre since 2011 and have never had complaints from neighbours regarding parking or noise. Many of the supporting representations provide no reason but express general support for the proposal.

A neutral letter claims that a tramway rosette exists on the exterior of the building.

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.

Section 149 of the Equality Act 2010 sets out the public sector equality duty :-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:-

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

National Planning Policy and Guidance

Scottish Planning Policy (SPP) expresses a presumption in favour of development which contributes to sustainable development.

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.

The SDP is now 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 2017 (ALDP)

Para 3.91 (which relates to community facilities) states that :

“When existing facilities fall out of use, the possibility of using the premises for alternative community uses, for which there is demonstrable local need, should be explored. In these cases, the character of the original building should be retained where it is considered to be of architectural merit and an important townscape feature.”

The following policies apply:

CF2: New Community Facilities

D5: Our Granite Heritage

H1: Residential Areas

T2: Managing the Transport Impact of Development

T3: Sustainable and Active Travel

T5: Noise

Supplementary Guidance and Technical Advice Notes

Transport and Accessibility
Noise

Other Material Considerations

Local Transport Strategy (LTS)

EVALUATION

Principle of Development

Notwithstanding the original application description, it is clear from the planning history and owner's supporting statement that the authorised use of the premises is for class 4 (business) rather than as class 2 (financial / professional services). The application description has therefore been amended and requires to be assessed on this basis.

The proposed use would revert to the building's original use as a place of worship. Use of part of the site for a class 10 purpose (a children's nursery) has previously been granted in 2018 and this permission remains valid. As the proposal would enable active re-use of a building of architectural and historic interest on a brownfield site within a built-up area and close to an existing bus route, it accords with the SPP presumption in favour of development which contributes to sustainable development. The proposed use, in principle, is complementary to residential use and the existing vet practice within the site. Provision of a mix of such complementary land uses in an accessible location accords with the objectives of sustainable development and local development plan policy CF2. Notwithstanding that many of the representations have been received from outwith the local area, it is clear that there is significant support for the proposed community facility at this site from residents of Aberdeen and this is considered to demonstrate that a local need for the facility exists.

Impact on Residential Amenity

Whilst the use has limited potential to conflict with residential amenity due to generation of car parking pressure and noise at certain limited times, this would have been the case in the event that its original use as a church had continued and the existing authorised business use would also generate car borne traffic. Assessment by the Council's Roads officers indicates that the extent of on-site parking is adequate and any potential overspill car parking would be limited, such that this is not considered to result in unacceptable nuisance. A condition can be imposed to ensure that the existing car park is retained for use of patrons.

The submitted noise assessment indicates that the proposed use would not result in adverse impact on amenity subject to a number of mitigation measures. The Council's Environmental Health officers have reviewed this assessment and generally agree with its conclusions. Notwithstanding, most of the suggested mitigation measures could not be appropriately controlled by imposition of enforceable planning conditions (e.g. requiring windows / doors to be closed "at all times during noisy activities", keeping amplified sound to a "low level", undertaking "regular checks... around the building ... to ensure that noise break out does not occur"). Therefore, the submission of a revised noise assessment report is required.

The potential for adverse noise impact on neighbouring residents is limited due to the solidity of the granite construction of the existing building, such that this would provide noise attenuation of activity within the building. Although there would be potential for noise spillage through the existing windows a suspensive condition can be imposed to require provision of a further noise assessment and clarify the extent to which any upgrade of the existing windows and/or access points to provide enhanced noise attenuation is required, in accordance with the expectations of policy T3 and related supplementary guidance on noise. In contrast with the approved children's nursery within the site, no active use of the external amenity area is proposed and a condition can be imposed to restrict the proposed use to the building only and ensure that such external areas are retained as landscaping in order to reduce risk of noise disturbance to residents, retain a

degree of privacy for the adjacent occupants, and avoid the potential need for installation of acoustic fencing along the east boundary. Therefore, it can be concluded that the proposal results in no fundamental tension with H1 policy or adverse impact on existing residential amenity.

Heritage Interest

Although the existing building is not listed, it is of granite construction and is a fine example of Victorian architecture, being a substantial local landmark of townscape value. The main part of the building has been vacant for a number of years and such vacancy poses increased risk to its maintenance and long-term retention, notwithstanding the high level of maintenance undertaken by the current owner. No external works to the building are proposed. As the proposal would enable the retention and active re-use of a granite building of architectural and historic interest it would accord with the objective of policy D5. It is noted that the proposed use has no impact on any historic tramway rosette which may exist on the building frontage.

Traffic Generation / Road Safety

The limited scale and nature of the proposal and its location within a built up area is such that the provision of a formal transport assessment is not reasonably required to assess the proposal. The information provided by the applicant in the supporting statement has been assessed by ACC Roads officers who have no objection to the proposal. Subject to introduction of additional on-street parking restriction (double yellow lines) on Bankhead Avenue at the existing car park entrance, Roads officers are satisfied that the proposal would not result in the creation of a road safety hazard. This matter can be addressed by imposition of a suspensive condition. Whilst the site lies close to a school, there is no evidence that the proposal would result in a safety conflict with that use.

The location of the site within a build-up area adjacent to an existing bus route is such that the proposal would be accessible by walking, cycling and public transport and therefore accords with the objectives of policies T2, T3, CF2 and the LTS. The level of car parking provision on site would accord with Council supplementary guidance which sets out maximum car parking standard for such uses.

Other Matters Raised in Representations

The supporting statement claims that the Hindu community in Aberdeen and Aberdeenshire is currently disadvantaged as there is no Hindu temple within the area. However, it is noted that another local Hindu organisation has made use of other local facilities to worship and has recently used a nearby school on Howes Road. It is accepted that the approval of the use of the building as a dedicated Hindu temple would potentially contribute to the objectives of broadening the cultural and ethnic diversity of the city and region, fostering a positive community spirit and direct benefit to the local Hindu community. Whilst it is noted that these are valued societal aspirations, it is not considered that these factors are relevant material planning considerations which have weight in determination of the planning application. The above assessment is made irrespective of any religious affinity / belief or association, solely on the basis of legislative requirements, planning policy and the land use planning merits of the proposal. It is considered that approval of the application would result in no discrimination against any group with protected characteristics (e.g. in terms of age, disability, race, religion, or belief) in terms of consideration relative to the Equalities Act 2010, particularly as the former church building is not currently in any active religious use.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed use would revert to the building's original use as a place of worship. Use of part of the site for a class 10 purpose (a children's nursery) has previously been granted in 2018 and this permission remains valid. As the proposal would enable active re-use of a building of architectural and historic interest on a brownfield site within a built-up area and close to an existing bus route, it accords with the Scottish Planning Policy (SPP) presumption in favour of development which contributes to sustainable development. As the proposal would enable the retention and active re-use of a granite building of architectural and historic interest it would accord with the objective of policy D5 (Our Granite Heritage) of the Aberdeen Local Development Plan (ALDP). Provision of a mix of such complementary land uses in an accessible location accords with the objectives of sustainable development and local development plan policy CF2 (New Community Facilities). The location of the site within a built-up area adjacent to an existing bus route is such that the proposal would be accessible by walking, cycling and public transport and therefore accords with the objectives of ALDP policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel). Conditions can be imposed to address the concerns regarding traffic generation and noise in accordance with the objectives of ALDP policy T5 (Noise). The proposal results in no fundamental tension with H1 policy (Residential Areas) or adverse impact on existing residential amenity. Subject to introduction of additional on-street parking restriction (double yellow lines) on Bankhead Avenue at the existing car park entrance ACC Roads officers are satisfied that the proposal would not result in the creation of a road safety hazard.

CONDITIONS

01. Noise Impact

No development shall take place pursuant to this planning permission unless a further detailed assessment of the likely sources and levels of noise arising within, and those audible outwith, the premises has been submitted to, and approved in writing by, the planning authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant. All noise attenuation measures identified by the noise assessment which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area shall be installed prior to commencement of the use hereby approved, unless the planning authority has given prior written approval for a variation - in the interests of residential amenity.

02. Provision of Cycle Parking

No development shall take place pursuant to this planning permission unless a scheme detailing secure cycle parking provision on site has been submitted to, and approved in writing by the planning authority. The use hereby granted planning permission shall not take place unless the scheme is implemented in full. Reason - In the interests of encouraging more sustainable modes of travel.

03. On Street Parking Restriction

No development shall take place pursuant to this planning permission unless there has been submitted to and agreed in writing by the planning authority scheme for implementation of on street parking restriction on the east side of Bankhead Avenue in the vicinity of the site (car park) access. Thereafter the development shall not be occupied unless the said restrictions have been implemented in full. Reason - In the interests of public road safety and the free flow of public transport.

04. Car Parking Layout

The development hereby approved shall not be occupied unless the ancillary car parking spaces have been demarcated in accordance with drawing No. 421(PA)002 Rev E of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development and use thereby granted approval Reason – In order to reduce the risk of overspill car parking in the adjacent residential area.

05. Restriction of Use

The class 10 (temple) use of the site hereby approved shall be restricted to the interior of the building only. The ancillary external landscaping areas within the site, including the planted area at the east edge of the building frontage, shall be retained as landscaped areas and shall not be removed / hard surfaced or used for any active purpose associated with the class 10 (temple) use hereby authorised. Reason – in order to minimise any potential disturbance to residential amenity and in the interest of visual amenity / sustainable development.