

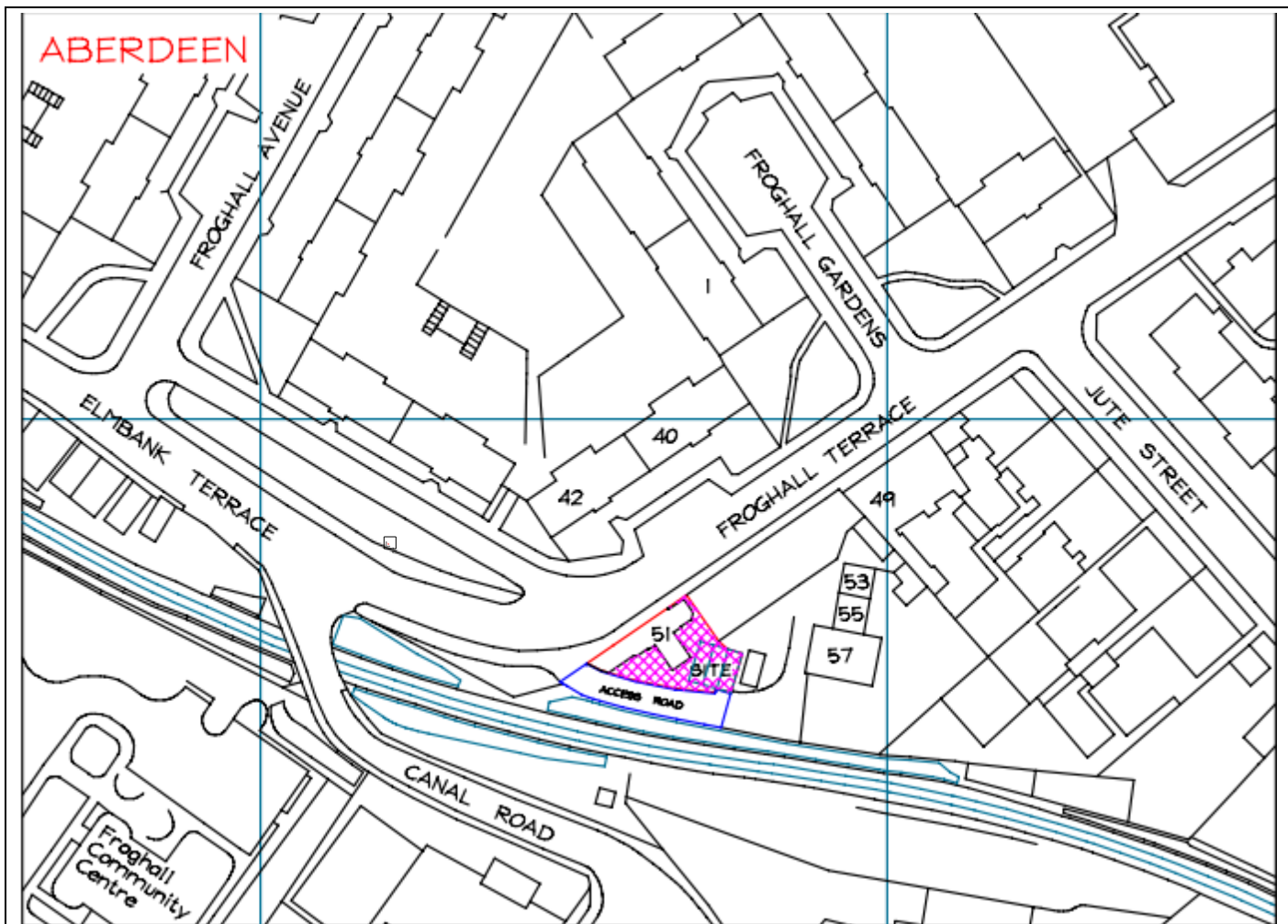


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20 January 2022**

<b>Site Address:</b>	51 Froghall Terrace, Aberdeen, AB24 3JP,
<b>Application Description:</b>	Change of use from class 9 (house) to class 8 (residential institution)
<b>Application Ref:</b>	211499/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	21 October 2021
<b>Applicant:</b>	Carraig Homes Ltd
<b>Ward:</b>	George Street/Harbour
<b>Community Council:</b>	Froghall, Powis And Sunnybank
<b>Case Officer:</b>	Robert Forbes



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The site comprises a 1 and a half storey traditional cottage of 19<sup>th</sup> century origin, and associated grounds. The house has been substantially altered / extended by the erection of dormer windows at first floor level and extensions to side / rear. It is harled but retains original granite features (e.g. skews). It fronts onto and is accessed from the street via a mutual driveway with gate at the pavement boundary. The rear garden area contains 3 parking spaces. The site lies in a residential area located close to the city centre. Froghall Community Centre lies near to the site, accessed via Canal Road. Sunnybank Primary lies within walking distance, around 0.3km to the north.

### **Relevant Planning History**

Application Number	Proposal	Decision	Decision Date
021033	Alteration and extension to house	Approved	28.02.02

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Change of use of the site from a house to class 8 use to allow provision of residential accommodation and care to people in need of care. The premises would have 3 bedrooms located on the upper floor with a shower room and bathroom. The ground floor would include living areas, a dining kitchen, staff room, shower room and office.

No external works are proposed other than the formation of an external covered bike store at the rear of the building, which would not be visible from the street.

### **Amendments**

Provision of bike and bin storage on site.

### **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=R18CCGBZH3W00>

- Supporting Statement

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the Local Community Council object to the proposal.

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – No objection.

**ACC - Waste and Recycling** – No objection. Recommend that a condition is attached regarding provision of wheelie bins on site. Provide advice regarding the provision of refuse and recycling storage facilities for the use (a total of 9 domestic wheelie bins).

**Froghall, Powis and Sunnybank Community Council** – Express concerns regarding the potential occupation of the site by adults requiring supervision. Consider that the property is inadequate for the proposed use.

## **REPRESENTATIONS**

None

## **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.

Class 8 (Residential Institutions) is defined in The Town and Country Planning (Use Classes) (Scotland) Order 1997 as use-

(a) for the provision of residential accommodation and care to people in need of care other than a use within class 9 (houses);

(b) as a hospital or nursing home; or

(c) as a residential school, college or training centre.

### **National Planning Policy and Guidance**

Scottish Planning Policy 2014 (SPP) expresses a presumption in favour of development which contributes to sustainable development

### **Aberdeen City and Shire Strategic Development Plan 2020 (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.

### **Aberdeen Local Development Plan 2017 (ALDP)**

H1: Residential Areas

D5: Our Granite Heritage

T2: Managing the Transport Impact of Development

T3: Sustainable and Active Travel

R6: Waste Management Requirements for New Development

### **ALDP Supplementary Guidance (SG)**

Transport and Accessibility SG

Resources for New Development SG

### **Proposed Aberdeen Local Development Plan 2020 (PALDP)**

The PALDP was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and it has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in

relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis.

## **EVALUATION**

### **Principle of Development**

The proposed use is residential in character and appropriately provided within a residential area, such that there would be no conflict with the objectives of ALDP policy H1. It would be sustainably located in the residential area such that occupants would have convenient access to relevant supporting facilities / services in accordance with the objectives of SPP and ALDP policy T3. The proposal does not raise matters of strategic or cross boundary significance such that the SDP is of limited relevance in this case. Other detailed policy considerations are addressed below.

### **Design Considerations**

No external works to the building are proposed and the bike store would not be visible to the public, such that there would be no adverse impact on visual amenity. The reuse of a historic granite building, albeit substantially altered and extended using modern materials, accords with the objective of ALDP policy D5 and sustainable development objectives.

### **Transport**

The site is suitably and sustainably located in the built-up area such that occupants would have convenient access to relevant supporting facilities / services (e.g. nearby community facilities / schools / shops) in accordance with the objectives of SPP and ALDP policy T3. A condition can be imposed to ensure the provision of cycle parking on site for staff in compliance with ALDP policy T2 and associated SG. It is noted that ACC Roads Service consider the level of car parking that would be provided on site to be appropriate.

### **Bin Storage**

The proposal has been amended to address ACC Waste Service's original objection regarding waste storage for the development and now demonstrates compliance with ALDP policy R6 and related guidance. Sufficient space exists within the site to enable provision of wheelie bins at the rear of the building and it is considered that the proposed use would not generate significantly more waste than the existing authorised use as a house. It is anticipated that the bins would be presented to the kerbside by resident staff, as would currently happen, and no additional physical works are required to enable this. It is therefore considered that there are no grounds for refusal of the change of use on the basis of waste generation.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP and the proposal is acceptable in terms of both Plans for the reasons previously given.

### **Other Concerns Raised in Objection**

Whilst the Community Council has expressed concerns regarding the potential occupation of the site by adults, the specific nature of the operation intended is that care would be provided to children. However, in terms of the Use Class which the premises would operate within (i.e. Use Class 8 - residential institution), such care could potentially also be provided to adults, should the precise operation of the premises change in the future, as part (a) of use Class 8 does not distinguish between adults and children. The applicant is not required to specify any particular group of individuals that care would be provided for. Although the applicant has indicated that he would accept a condition would restricting the nature of the care operation, as recognised above,

there is no planning policy basis for seeking to restrict the occupation of the site. Whilst the Community Council does not wish adults requiring supervision being accommodated at the site, such an approach would be contrary to the wider objective of care in the community. It is considered that no weight should be afforded to such comments. Provision of care in the community is a long-established wider function of health and social services which is regulated by other (non-planning) legislation. It is not therefore appropriate to seek to duplicate such controls by use of planning condition / legal agreement.

Whilst the Community Council consider that the property would be inadequate for the requested use, they provide no explanation for that opinion. The submitted drawings clearly indicate that appropriate living and support facilities would be provide for occupants and staff within the building and adequate space for bin storage and proposed cycle storage exists on site.

### **RECOMMENDATION**

Approve Conditionally

### **REASON FOR RECOMMENDATION**

The proposed use is residential in character and appropriately provided within a residential area, such that there would be no conflict with the objectives of Aberdeen Local Development Plan 2017 (ALDP) policy H1: Residential Areas. It would be sustainably located in the built-up area such that occupants would have convenient access to relevant supporting facilities / services in accordance with the objectives of Scottish Planning Policy and ALDP policy T3: Sustainable and Active Travel. The retention and reuse of the granite building on the site complies with the objective of ADLP policy D5: Our Granite Heritage. The proposal has been amended to address ACC Waste Service objection regarding waste storage for the development and now demonstrates compliance with ALDP policy R6: Waste Management Requirements for New Development. A condition can be imposed to ensure compliance with ALDP policy T2: Managing the Transport Impact of Development.

### **CONDITIONS**

#### **1. Cycle Storage**

The use hereby approved shall not take place unless details of the proposed secure cycle storage on site has been submitted to and approved in writing by the Planning Authority and such facilities have been made available for use by occupants.

**Reason:** In order to promote sustainable transport methods.