

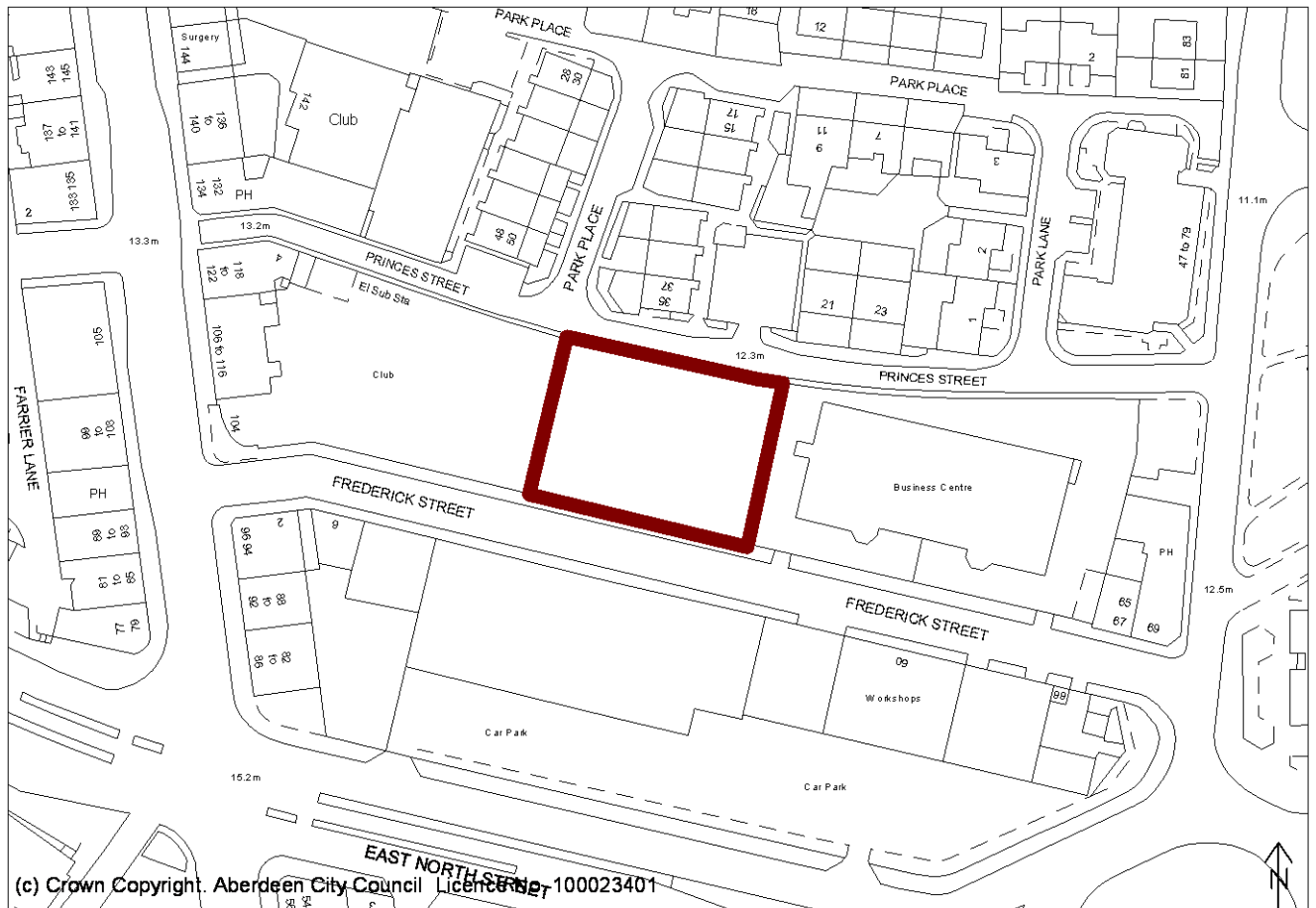
MULTI STOREY CAR PARK, FREDERICK STREET, ABERDEEN

ERECTION OF LIGHTING COLUMNS TO TOP STOREY OF MULTI STOREY CAR PARK

For: Miller Construction

Application Ref. : P121617
Application Date : 14/11/2012
Officer : Robert Forbes
Ward: George Street/Harbour (A Morrison/N Morrison)

Advert : Section 60/65 - Dev
aff LB/CA
Advertised on : 12/12/2012
Committee Date : 17 January 2013
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

This site comprises a recently developed multi-storey public car park which serves the east end of the city centre. The car park is accessed from Frederick Street and has 185 spaces. The top floor of the car park is uncovered and is approximately 17m above the ground level of Princes Street.

To the north of the site lies an area of low density housing. To the east of the site is a former school building which is category C listed and is used as offices. To the south of the site lies the health village development which is currently under construction on land which was previously used as surface car parking. To the west of this lies a bingo hall and traditional 4 storey tenements fronting King Street.

HISTORY

Planning permission for erection of the car park was granted in 2010, as part of the adjacent health village development (ref P101034) and has recently been implemented.

PROPOSAL

Retrospective planning permission is sought for the erection of lighting columns on the top floor (level 7) of the car park. A total of 10 columns have been erected. Each column projects approximately 6m above the deck level of the top floor (i.e. approximately 23m above ground level and is terminated with a horizontally mounted luminaire which is cowled to prevent light spillage above. The lighting columns are fixed to the parapet at the edge of the deck.

REASON FOR REFERRAL TO SUB-COMMITTEE

The Council has an interest in the development as owner and operator of the car park.

CONSULTATIONS

ROADS SECTION – No objection;

ENVIRONMENTAL HEALTH – No objection subject to a condition to address light spillage and avoid nuisance to nearby dwellings;

COMMUNITY COUNCIL – No response received.

REPRESENTATIONS

A letter of objection has been received from an adjacent resident who is concerned that the recent car park development on the site has resulted in loss of their TV reception.

PLANNING POLICY

This city centre site lies within a mixed use H2 policy area as identified in the Adopted Local Plan of 2012, where development must avoid conflict with adjacent land uses. Policy C1 states that development within the city centre must contribute to delivery of its vision as a major regional centre. Policy D1 states that new development must be designed with due consideration for its context.

EVALUATION

This application requires to be determined in accordance with the development plan, unless outweighed by other material considerations. The development plan consists of the Adopted Local Plan and the Approved Structure Plan.

Given the scale / nature of the development, the Structure Plan is of limited relevance in this case. By enabling the efficient and safe use of the car park during the hours of darkness, the proposal would contribute to the delivery of the city centre as a major regional centre as expressed in local plan policy C1. Subject to imposition of a condition to ensure that there is no adverse light spillage outwith the site, the proposal would have no detrimental impact on the residential amenity of the area and would comply with local plan policy H2. The proposal would have a neutral impact on the setting of nearby listed buildings as the site is largely screened by existing development so that the visual impact of the columns is limited and it is considered to satisfy the requirements of policy D1. No other material considerations that warrant refusal of the development have been identified.

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the plan only in so far as it related to Issue 64 (Allocated Sites: Woodend...Summerhill... etc.) and that it would be disproportionate to quash the whole plan.

This evaluation has had regard to and taken into account the legal challenge. None of the policies or material considerations which apply to this application would be affected by the terms of Tesco's challenge. The recommendation would be the same if the application were to be considered in terms of the 2008 Aberdeen Local Plan.

As regards the objector's concern regarding impact on TV reception, it is noted that this is a historic issue relating to the development of the multi storey car park rather than relating to the lighting columns which are the subject of this application. Whilst it is unfortunate that the TV reception enjoyed by nearby residents may have been impacted by the construction of the car park, this was not an issue that was raised at the time of determination of that planning application and it is considered that the lighting columns themselves have no impact on such reception. It is not therefore appropriate to seek to address this concern in relation to determination of the current planning application.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

Subject to imposition of a condition to ensure that there is no adverse light spillage outwith the site, the proposal would have no detrimental impact on the residential amenity of the area and would comply with local plan policy H2. The proposal would have a neutral impact on the setting of nearby listed buildings as the site is largely screened by existing development so that the visual impact of the columns is limited. No other material considerations that warrant refusal of the development have been identified.

it is recommended that approval is granted with the following condition:

(1) That the lights hereby approved shall not be used unless a scheme for cowling / angling of the light sources in order to prevent spillage of light outwith the site has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in order to protect the residential amenity of adjacent dwellings.

Dr Margaret Bochel

Head of Planning and Sustainable Development.