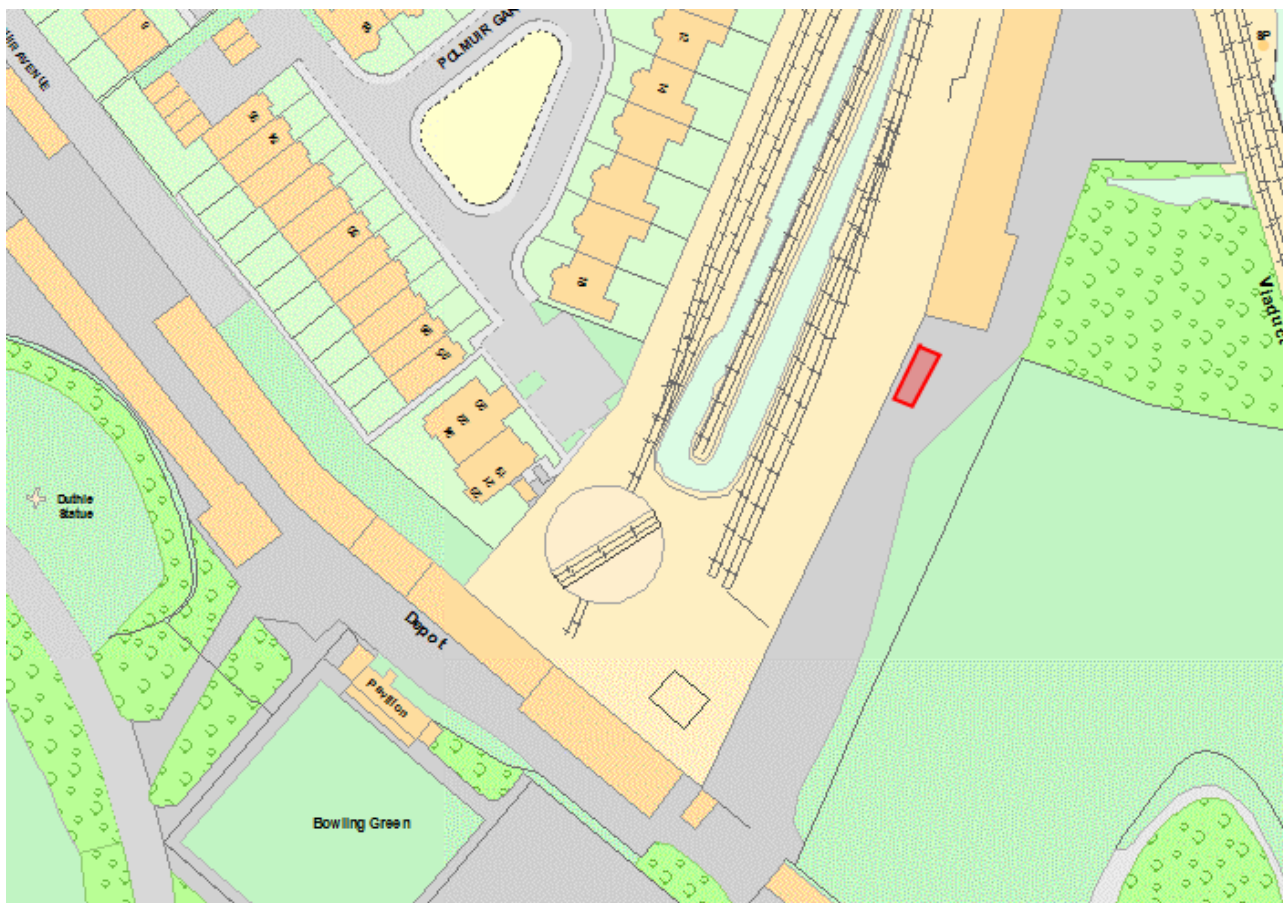


FERRYHILL MOTIVE POWER DEPOT,
POLMUIR AVENUE, FORMER ENGINE
SHED

THIS APPLICATION IS FOR A
PORTAKABIN AS A TEMPORARY VISITOR
CENTRE AT THE FERRYHILL RAILWAY
HERITAGE CENTRE WHILE MAJOR ROOF
REPAIRS ARE UNDERTAKEN ON THE
MAIN BUILDING, THE FORMER
FERRYHILL ENGINE SHED.

For: Ferryhill Railway Heritage Trust

Application Ref.	: P120370	Advert	: Section 60/65 - Dev
Application Date	: 16/03/2012	aff LB/CA	
Officer	: Tommy Hart	Advertised on	: 11/04/2012
Ward: Torry/Ferryhill (Y Allan/A Donnelly/J Kiddie/G Dickson)		Committee Date	: 21 March 2013
		Community Council	: No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site lies to the immediate south of the existing B-listed Ferryhill Motor Power Depot former engine shed and in close proximity to the A-listed locomotive turntable. There is a temporary building already in place on site. The land is currently used for storage of various containers and is reasonably flat. The site sits on an elevated position in relation to the nearby houses at Polmuir Gardens to the west of the site and Duthie Park to the south.

Access to the site is currently through a gate at the end of Polmuir Avenue which also allows access to the Council depot and backs onto the private gardens of the dwellings on Polmuir Place.

PROPOSAL

It is proposed to site a temporary building around 5m to the immediate south of the existing B-listed Ferryhill Motor Power Depot former engine shed. The building would be single-storey in height (around 3m above ground level), 3.5m wide and 10.5m long. The building would have one door on the north elevation and one on the east elevation with a total of 5 windows. The building would be painted off-white.

Access for pedestrians would be from a new pedestrian gate within Duthie Park (adjacent to the tennis courts) and vehicular access would be from Polmuir Avenue with the introduction of a new double gate for goods access.

The purpose of the temporary building is to be used as a temporary visitors centre whilst funds can be pulled together in order to refurbish the former engine shed which would be used as a permanent visitors centre.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the Council has an interest as landowner. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation

CONSULTATIONS

ROADS PROJECTS TEAM – no objections

ENVIRONMENTAL HEALTH – no observations

COMMUNITY COUNCIL – no comments received

REPRESENTATIONS

One letter of objection was received but was later withdrawn.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy

Scottish Planning Policy (SPP) is the statement of Government policy on land use planning and includes the Government's core principles for the operation of the planning system and concise subject planning policies. The subject planning policies relating to historic environment, specifically Listed Buildings, is a relevant material consideration.

Historic Scotland's Scottish Historic Environment Policy

The main principles of Historic Scotland's Scottish Historic Environmental Policy (SHEP), in terms of Development Management, is to ensure that any development should not have a detrimental impact on the setting or character of a Listed Building.

Aberdeen Local Development Plan

Policy T1 – Land for Transport relates to land which has been safeguarded for various transport projects and also a number of existing transport land uses. The Council will explore opportunities to incorporate complimentary uses within certain transport facilities on the condition that adequate justification is provided.

Policy D5 – Built Heritage states that proposals affecting Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

Supplementary Guidance

Temporary Buildings gives guidance as to where a temporary building should be sited and also gives an indication of timescales which would be permissible.

EVALUATION

Legal challenge

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.

Planning Policies

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

Where a proposal affects a listed building Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for listed building consent to have special regard to the desirability of preserving the building and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for listed building consent.

Design, Scale and form of Development

The design, external appearance and size of the proposed building is typical of such temporary structures. In terms of scale, the building is not overly large or dominant. In respect to its position adjacent to the B-listed former engine shed, it is considered that the building would have little additional impact on the setting than the various coloured storage containers that currently exist on site. It is considered that the colour of the building would be more appropriate than what currently exists and would not negatively impact on the character or setting of the listed building and there is, therefore not considered to be any conflict with SPP, SHEP of ALDP policy D5 in this instance.

Visual Impact of the Development

Given the context of the application site on land used for storage containers, the development would likely have little additional impact on the surrounding area. It should also be noted that the site, although on an elevated level, is fairly well screened on all sides by mature trees which are in close proximity to the application site. Further, the existence of the old railway shed is a visual aid to limiting the impact of the temporary building. It is considered that there would be no conflict with the Supplementary Guidance for the above reasons.

Impact on Trees

There would be no impact on trees as a result of the proposed development.

Traffic Impacts, Access Arrangements and Car Parking

Access is to be provided for pedestrians through Duthie Park and a new gate, with vehicular access being along Polmuir Avenue. The Council's Roads Project Team has no objections to the application in respect to access or lack of car parking provision specifically for the development.

In terms of policy T1, the use of the temporary building would be for a temporary visitor centre to operate whilst works are undertaken to the former engine shed relative to a proposed future railway museum proposed within that building. In that respect, it is considered that the use would be complimentary to the land use allocation. Although no justification has been provided, it is considered that there is a need for the temporary building in the short term in lieu of a permanent solution and in this instance there is not considered to be any conflict with the policy.

Impact on Residential Character and Amenity

The proposed temporary development would not have any impact on the character of the nearby residential area, nor would it impact on the amenity afforded to the residential properties.

Timescale

The application seeks 5-year time duration. The Council's supplementary guidance states that permission should be granted for one year at a time up to a maximum of 2 ½ years. However, the circumstances of this application are special in that there would be a time delay in gathering in the appropriate funds to undertake refurbishment works of the former engine shed to convert it into the permanent visitors centre. In this particular circumstance, it is considered there is merit in allowing a slightly longer temporary period than is normally allowable. It is considered that allowing this permission to run for 2 ½ years would be acceptable given the specific circumstances.

RECOMMENDATION

Approve subjecto to conditions

REASONS FOR RECOMMENDATION

The proposed temporary building is considered acceptable as having no detrimental impact on the nearby residential properties to the west, whilst also having minimal negative impact on the setting of the B-listed former engine shed by virtue of the current situation on the site. It is considered that the application does not conflict with Scottish Planning Policy section on Listed Buildings; Historic Scotland's Scottish Historic Environment Policy; Aberdeen Local Development Plan policies D5 and T1; and the Council's Supplementary Guidance on Temporary Buildings.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) that the temporary building hereby granted planning permission shall not remain on the site after a period of one year expiring on 20/09/2015 - that the character and siting of the structure is not such as to warrant its retention for a period longer than that specified in this permission.

Dr Margaret Bochel

Head of Planning and Sustainable Development.