

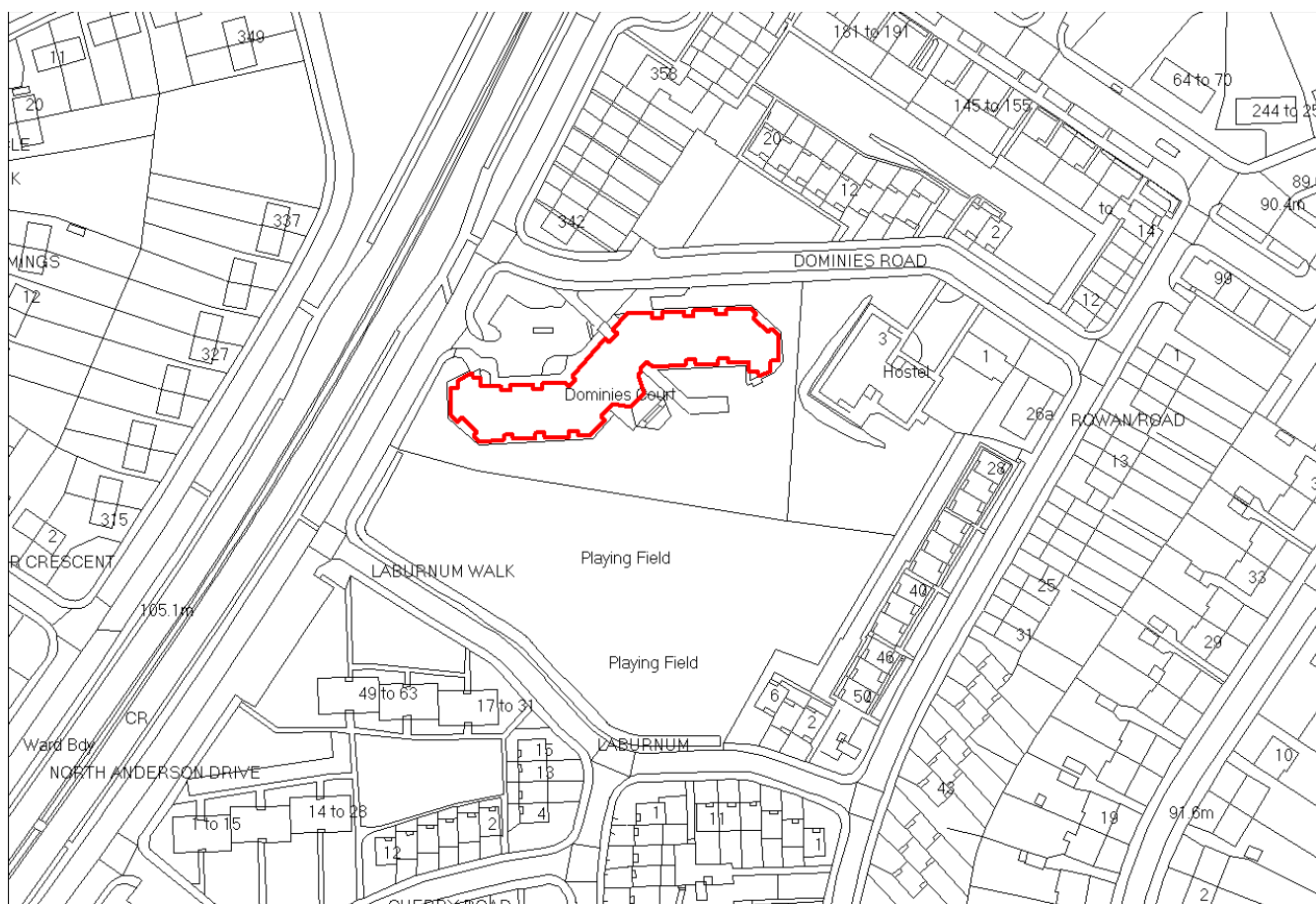
14 DOMINIES COURT, DOMINIES ROAD

CHANGE OF USE OF EXISTING WARDENS FLAT TO SOCIAL CARE AND WELLBEING HUB

For: Aberdeen City Council

Application Type : Detailed Planning Permission
Application Ref. : P130161
Application Date: 07/02/2013
Officer: Donna Laing
Ward : Hilton/Stockethill (G Adam/K Blackman/L
Dunbar)

Advert : Can't notify neighbour(s)
Advertised on: 20/02/2013
Committee Date: 18 April 2013
Community Council : No response
received



RECOMMENDATION:
Approve subject to conditions

DESCRIPTION

The site is a purpose built, Council owned sheltered accommodation block. The building is a two storey modern premises which is built in an S shape with the main access facing the car park, which is accessed off North Anderson Drive. The surrounding area comprises terraced bungalows and two storey terraces, with mature amenity space surrounding these. The application relates to the ex warden's flat within the sheltered accommodation block. It is located on the southern side of the building, occupies 2 storeys and faces the amenity space to the south of the accommodation.

RELEVANT HISTORY

There is no relevant planning history for this site

PROPOSAL

The proposal relates to change of use of the warden's flat to a social care and wellbeing hub. The Hub would be used as a base for staff from Aberdeen City Council and Health Professionals such as occupational therapists, district nurses, podiatrists and carers, to go out into the community. They would also be used to provide information to tenants within the complex and leaflet displays. The Hub would never have more than two staff at any one time, with the exception of meetings where five or six staff would be present. The Hub would be open from 8am to 5pm Monday to Friday. The hub would not be open to the general public apart from residents in the complex.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130161>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the applicant was made by Aberdeen City Council, further to this there have been 19 letters of objection submitted. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – Response received – no observations

Environmental Health – Response received – no observations

Enterprise, Planning & Infrastructure (Flooding) - Response received – no observations

Community Council – No response received

REPRESENTATIONS

19 letters of objection have been received. 13 letters were of the same format.

The objections raised relate to the following matters-

Security

The free movement of strangers to and from the complex defeats the purpose of it being safe and secure and can be frightening, and may lead to break ins. This is not a material planning consideration, but in any extent occupation of the premises will be confined to staff.

Payment

An additional charge is paid for security and warden service which would be compromised by this proposal. This is not a material planning consideration.

Other options and uses

There are unused buildings on Dominies Road that would be better suited to this use.

The existing flat should be split into two properties as there is a lack of accommodation within the city. This is not a material planning consideration.

Cost implications

The cost involved in transporting the public to this facility. This is not a material planning consideration.

Parking

Parking issues for current residents. This is discussed in the evaluation below.

Communication

Have the current residents been informed of this. More information is require on the purpose of the hub. This is not a material planning consideration.

Amenity

The movement of people will cause a nuisance. This is discussed in the evaluation below

PLANNING POLICY

Aberdeen Local Development Plan

Policy H1: Residential

Within existing residential areas, proposals for non-residential uses will be refused unless:

They are considered complementary to residential use; or

It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

EVALUATION

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.

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.

Principle of Development

The site is located within a residential zoning and as such non-residential applications are required to be complementary to residential use or would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity. It is on this principle that the application is to be assessed.

Impact on amenity

The hub would be used as a base for staff to go out into the community; and would provide information to those residing within the sheltered housing accommodation. The hub would house two members of staff at any one time and would be used from 8am to 5pm Monday to Friday. When meetings are held the staff number would increase to five or six.

The proposed opening hours of the social care and wellbeing hubs are considered to be acceptable. The proposed change of use would not lead to an increase in the volume of people accessing the premises, nor is it expected there would be any increase in noise levels and the proposed opening hours are not considered anti-social. The proposed use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity. The staff based at the hub would provide a health related service to the local community, and would be available to the residents in the sheltered housing block which is considered complementary to the residential use.

The proposal therefore accords with Policy H1: Residential of the Aberdeen Local Development Plan.

Parking

The proposal has been assessed by the Council's Roads Projects Team who have no observations to make on the proposal. Therefore, parking is not considered to be a concern with this proposal.

Comments received through Written Representation

The letters of representation received highlighted a number of concerns; some of these were not material planning consideration, as stated in the representations section.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed change of use from a warden's flat to a social care and wellbeing health hub would not have a conflict with, or cause any nuisance to, the enjoyment of existing residential amenity. The proposed opening hours are not anti-social; there would be no increase in the volume of people accessing the site and there would be no significant increase in noise from the premises. The use could also be considered complementary to the residential use.

CONDITIONS

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

(1) that, except as the Planning Authority may otherwise agree in writing, the social care and wellbeing hub shall not open outwith the hours of 8.00am to 5.00pm Monday to Friday - in the interests of residential amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development.