

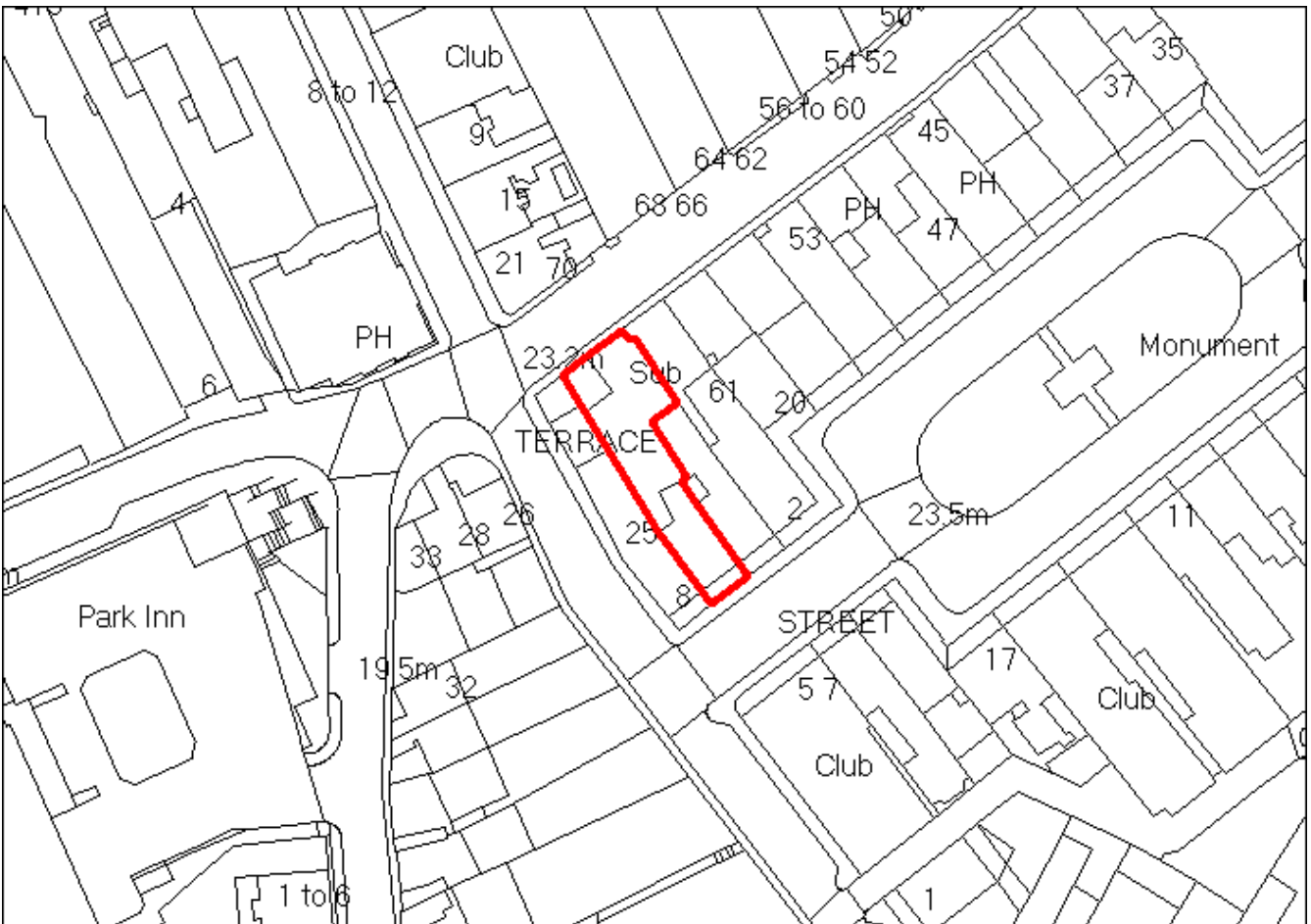
6 WEST CRAIBSTONE STREET, ABERDEEN

CHANGE OF USE FROM CLASS 4 (OFFICES)
TO CLASS 2 (CLINIC)

For: Temple Medical Aesthetics Ltd

Application Type : Detailed Planning Permission
Application Ref: P130312
Application Date: 07/03/2013
Officer: Sally Wood
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J
Kiddie/G Dickson)

Advert :
Advertised on:
Committee Date: 16 May 2013
Community Council : No response received



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site consists of a building with an area of hardstanding to the (rear) south of the building.

The building is two storeys in height, with a basement and attic floor. The application relates to all four levels of the building. The building is terraced, being located within a row of four premises in total. The building has granite walls with a natural slate roof.

The area of hardstanding to the rear has been used as car parking, with vehicular access from Justice Mill Lane.

The building is currently vacant, but its last use is known to be an office (Class 4). The site lies within the Bon Accord Crescent/Crown Street Conservation Area. The building is also a B category Listed Building.

RELEVANT HISTORY

None.

It should be noted however, that there is a current pending application for Listed Building Consent (reference P130313) for internal works to provide the clinic which relates to this planning application.

PROPOSAL

The application seeks planning permission for a change of use from office (Class 4) to a clinic (Class 2). No external alterations are proposed as part of this application. Any ventilation will use existing pipes.

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?130312>

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 there are more than five letters of representation which have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – no objections, seeks a minimum of 2 long stay cycle stands provided in a secure lockable compound. Details of showering and changing facilities for the use of staff should be provided.

Environmental Health – comments, no observations.

Enterprise, Planning & Infrastructure (Flooding) – comments, no observations.

REPRESENTATIONS

6 number of letters of representation/objection/support have been received. The objections raised relate to the following matters –

1. Building is not suitable for use as a clinic;
2. The location is not suitable for use as a clinic;
3. The building, in particular the stairs and corridor, is not suitable for disabled persons;
4. The building does not comply with Government guidelines for disabled facilities in commercial buildings. Major changes would need to be made, and the building is listed;
5. Staff will be burdened to move people within the building;
6. Fire escape issues for persons disabled, aged or overweight;
7. If approved, mechanical help to overcome stairs, and sizeable rooms to allow grab bars and rails should be provided to allow people to move within the building;
8. Additional pressure on street parking, which is already insufficient;
9. The area should remain a mix of offices and residential;
10. Set an undesirable precedent.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP): The policy seeks to promote appropriate development, particularly within existing settlements. It seeks high quality development that is sympathetic to its setting and takes into consideration amenity.

Aberdeen City and Shire Structure Plan

Provides a spatial strategy for development, to ensure the right development in the right place to achieve sustainable economic growth which is of high quality and protects valued resources and assets, including built and natural environment, which is easily accessible.

Aberdeen Local Development Plan

Policy D1 Architecture and Placemaking – To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy D3 Sustainable Active Travel – new development shall be designed to minimise private car travel. Promote healthy modes of travel. Ensure permeability and connection to existing development and environment.

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

Policy H2 Mixed Use Areas – applications for changes of use must take into account the existing uses and character of the surrounding area, and avoid undue conflict with adjacent land uses and amenity.

Policy T2 Managing the Transport Impact of Development – new development will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Supplementary Guidance

- Harmony of Uses – residential and other developments within the city (compatibility of residential and non-residential use mix)

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and/or enhance the character or appearance of conservation areas

Statement regards to the Adopted Local Development Plan (2012)

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 the development.

The site lies within an area identified as mixed use within the Local Development Plan. There are existing offices and residential uses within the locality. In principle there are no objections to the use so long as it would not have an unacceptable impact on residential amenity and road safety, and is of an acceptable design (Policy H2 Mixed Use Areas – Aberdeen Local Development Plan).

In addition given that the site lies within a Conservation Area and that the building is listed, consideration needs to be given to the impact that the proposal will have on the character and/or appearance of the Conservation Area, and the setting of the listed building, these are discussed below under Design.

Design

There are no changes proposed to the exterior of the building. Ventilation for new services within the building will utilise existing external vents and pipes. As there are no external design changes, it is considered that the proposal complies with planning policy D1 (Architecture and Placemaking) of the Aberdeen Local Plan. Furthermore, the proposed change of use complies with Policy D5 (Built Heritage) as it would not change the character or appearance of the conservation area, and would not adversely affect the setting of a listed building.

It is noted that there are number of internal alterations proposed to accommodate the development, however these do not form part of the consideration of this application. A separate Listed Building Consent application is currently pending consideration for the internal alterations which affect the fabric of the listed building; this is currently being dealt with under delegated powers.

Road Safety

The Roads Project Team has not objected to the proposal. Seven car parking spaces would be provided within the site. It notes that the maximum allowable provision is seventeen parking spaces (in accordance with the Council's guidelines). The development is located within a controlled parking zone and has good access to public transportation. Although the proposed parking is significantly below the allowable maximum, given the site's accessible city centre location is it not considered that the lack of on site parking would have a significant effect on parking in the area.

As the Roads Project Team has no objections, and given the sites location which is accessible by a range of modes of travel. It is considered that the application would not have an adverse impact on parking within the area.

The Roads Project Team require of 2 long stay stands must be provided in a secure lockable compound. Showering and changing facilities for the use of staff should also be provided within the building. This can be secured by condition.

The proposal is therefore judged to comply with policies D3 (Sustainable Active Travel) and T2 (Managing the Transport Impact of Development) of the Local Development Plan.

Residential Amenity

The area is located within a Mixed Use Area as identified in the Local Development Plan. The buildings immediately adjacent are in commercial use, not residential. Furthermore, it is noted that Environmental Health has not objected to the application. It is not considered that the proposal would affect residential amenity.

Other

The representations received can be broadly broken into two distinct issues – access (disability and elderly) and parking.

It is noted under in the Road Safety section of this report that the Roads Project Team has not objected to this application, and therefore it is considered that the impact on parking would be minimal.

In relation to access, the Disability Discrimination Act 2005 imposes a duty on the owner of a building to ensure access for disabled people. Under the Building Regulations, the buildings have to be fully accessible with respect to Disability Access.

Given the existing use of the building and that it is currently accessed only by steps, given the elevated ground floor level, it is considered that the proposal would be limited in terms of accessibility by virtue of its entrance. However, whether the building is suitable for use as a clinic, and whether there are any exemptions through the Building Standards given the existing access, would be carefully considered against the Building Standards on the receipt of a warrant. Furthermore, in terms of planning, the clinic would provide a service, and there is nothing to say that the service provided would be provided with a person's home. The applicant could provide the service of a clinic within a home if it felt that this meant it did not discriminate in terms of providing a service. GP's sometimes provide such a service on the individual merits of the circumstances on a case by case basis. It is therefore considered that the granting of this application would not set a precedent. Accessibility issues in terms of disabled access would be considered at the time of the warrant application. Planning considerations should not exert control where there are other statutory controls in place. The mechanism of the Building Warrant will consider these elements. In addition concerns relating to fire escapes are also controlled by Building Standards.

As the site lies within a Mixed Use Area, and given that such a proposal would not affect residential amenity, it is considered inappropriate to refuse such an

application on the basis that the area should remain in office and residential use only.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposal for the change of use is considered acceptable. There would be no detrimental impact in design terms or residential amenity, therefore the proposal accords with Scottish Planning Policy, and Policies D1 (Architecture and Placemaking) and H2 (Mixed Use Areas) of the Aberdeen Local Development Plan. Given the city centre location it is judged that the application complies with planning policy D3 (Sustainable Active Travel). No external alterations are proposed to the building it is therefore considered that the application complies with Planning Policy D5 (Built Heritage) of the Aberdeen Local Development Plan, as no adverse impact would arise on the character of the Conservation Area or the setting of a listed building as a result of this application.

It is recommended that approval is granted subject to the following conditions.

(1.) Prior to first occupation of the development hereby approved two long stay cycle stands shall be provided within a secure lockable compound in accordance with details that shall be first submitted to and approved in writing by the Planning Authority. Thereafter the cycle stands shall be retained and made available for such use at all times. – To promote alternative modes of travel.

(2.) Prior to first occupation of the development hereby approved showering and changing facilities for the use of staff shall be provided within the building in accordance with details that shall be first submitted to and approved in writing by the Planning Authority. Thereafter the showering and changing facilities shall be retained and made available for such use at all times. – To promote alternative modes of travel.

Dr Margaret Bochel

Head of Planning and Sustainable Development.