

FORMER DONSIDE PAPER MILL, GORDON  
MILLS ROAD, TILLYDRONE

AMEND PREVIOUSLY APPROVED CAFE, 2  
NO. FLATS AND RETAIL UNIT TO FORM  
LANDLORDS STAFF OFFICE AND PUBLIC  
ACCESS POINT

For: Donside Ltd

Application Type : Detailed Planning Permission

Application Ref. : P130218

Application Date: 20/02/2013

Officer: Lucy Greene

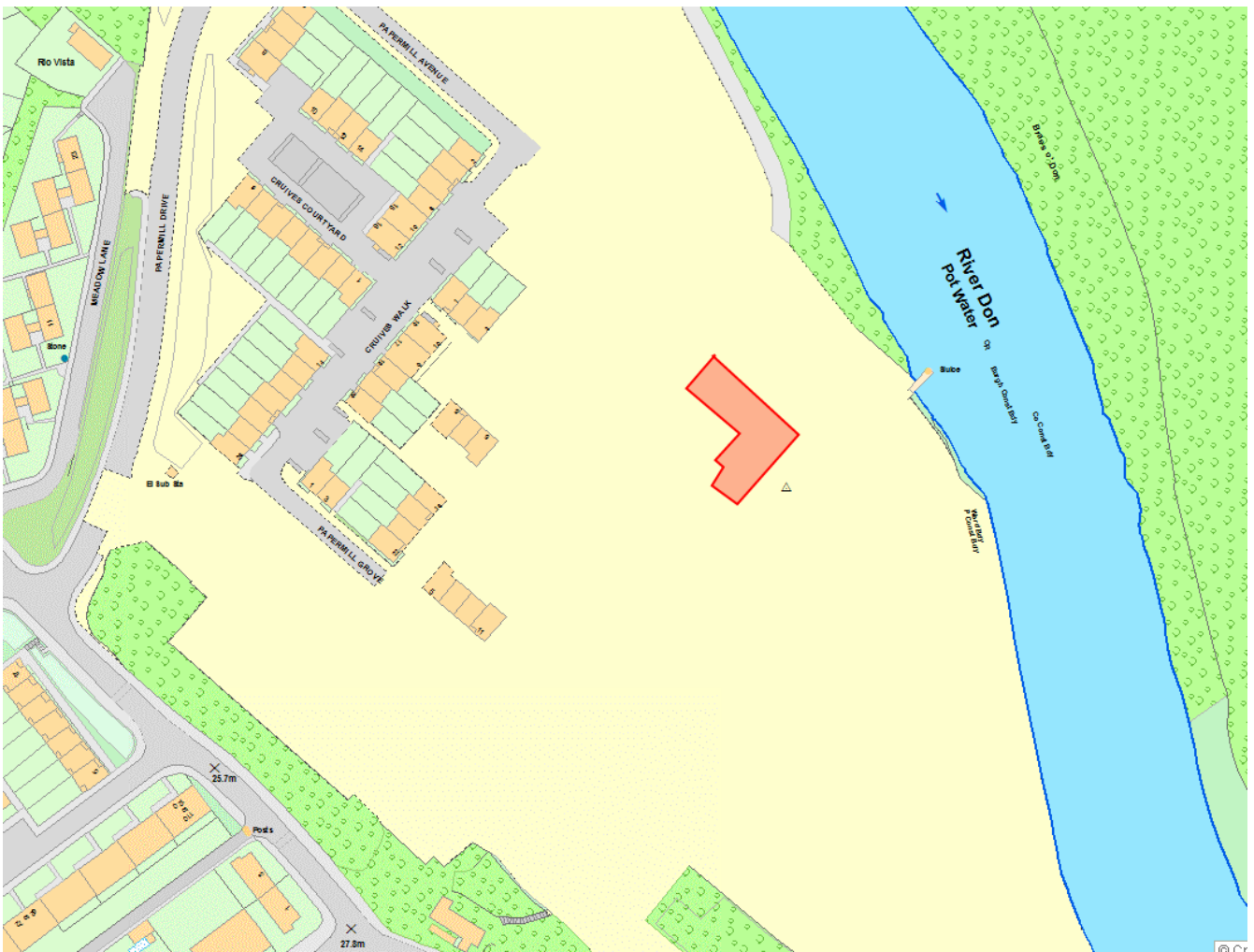
Ward : Hilton/Stockethill (G Adam/K Blackman/L  
Dunbar)

Advert :

Advertised on:

Committee Date: 18 July 2013

Community Council : No response  
received



**RECOMMENDATION: Approve subject to conditions**

## **DESCRIPTION**

The application site covers an area that includes the entire ground floor level of a recently constructed building and part of the ground floor level of another. Both are located within the Donside Urban Village, and in the village centre.

One of the buildings is rectangular and lies parallel to, and facing, the River Don, the south eastern end elevation of the building forms one of the frontages onto the village square, whilst the other building is 'L' shaped and forms one of the corners of the village square.

Both building contain flats on the upper floors and on the remaining area of ground floor.

The ground floor areas of the buildings in question have not yet been brought into use. The ground floor area of the rectangular block is 279m<sup>2</sup> and the area of the corner block that is the subject of this application is 62m<sup>2</sup>.

## **RELEVANT HISTORY**

Planning permission (ref. A7/0400) was approved in April 2008 for the urban village, including 'Development of a mixed-use urban village incorporating mixed-tenure housing (278 units),(with at least 50% being affordable housing) including a village square (offices (697m<sup>2</sup>), employment (372m<sup>2</sup>), local retail (93m<sup>2</sup>) and cafe/bistro(93m<sup>2</sup>), an enhanced riverside, and appropriate infrastructure.'

This year an application was approved (ref. 110099): 'Proposed re-design of Urban Square, including: re-design of commercial offices; re-design of riverside housing block; re-design of urban square corner blocks including retail / commercial space on ground floor; relocation of cafe.'

The previous application (ref 110099) was for a café use within half of the ground floor of the riverside block and two (two bedroom) flats in the remaining half of the ground floor. In terms of the ground floor uses, this has not been implemented.

In the corner block, the previous application (ref. 110099) included a small retail unit (60m<sup>2</sup>) within the ground floor corner area. The remaining two thirds of the corner block are flats under this previous application, and would remain so under this current application.

Application 110099 also included a small retail unit (60m<sup>2</sup>) in the other corner block on the south west corner of the square.

The original application for the urban village (ref. A7/0400) included café/bistro area (190m<sup>2</sup>) at ground floor level within a flatted building at the north east end of the village square (not yet under construction) and retail space (93m<sup>2</sup>) within the square.

It would be possible to implement elements of each permission.

## **PROPOSAL**

The application seeks planning permission for use as an office within the ground floor of the building facing the river, and also a 'public access' area for staff to meet visiting members of the public, within part of the building facing the square. The remaining areas of the buildings would be residential as previously

approved. The two areas of floorspace that are the subject of this current application have permission for use as a café (the larger 279m<sup>2</sup> area) and a retail unit (62m<sup>2</sup> area).

### **Supporting Documents**

The following supporting documents have been submitted:

- Planning statement from Sanctuary (dated 29 May 2013): This states that following a feasibility report by property agents Graham & Sibbald the change of one of the intended retail units has been requested. It is stated that the applicant fully supports the planning authority's view that an element of retail should be provided at Donside. It is confirmed that this is being retained in one of the other blocks fronting the square. It is further stated that Graham & Sibbald have been appointed to market the unit using brochures, property boards and the internet.
- Letter (dated 27 March 2013) from Graham & Sibbald relating to feasibility of providing retail use at Donside: Questions the viability of multiple retail units as envisaged in the original development acknowledges potential scope for limited commercial use. The experience of Crombie Mills is highlighted, where similar ground floor commercial space was incorporated and this has been utilised for offices.
- Statement from Sanctuary Group following their meeting with the Donside residents: This states that the applicant, Sanctuary, are seeking to relocate staff from the 'Tenants First' Albert Street office. It states that the applicant has attended a meeting with the residents.

The applicant highlights that the original planning permission for the mixed use village included a café within the quayside 'icon' block (outwith the application site of this current application). Whilst the more recent application (ref. 110099) relocated the café to the block that is the subject of this application, with the retail units relocated to the corner blocks.

Sanctuary state that the café could, therefore, still be implemented as part of the 'icon' block. The statement also describes the active marketing of the remaining retail unit and the intention to do this for a café.

With regard to the other community facilities, designs for play facilities are currently being costed and finalised for implementation. It is also confirmed that the nursery proposals are unaffected by the application proposal.

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?130218>

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 have been thirty five letters of objection. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Project Team** – Satisfied with parking arrangements. Requests provision of one motorcycle space and one cycle space.

**Environmental Health** – Responded with no observations.

**Enterprise, Planning & Infrastructure (Flooding)** - Responded with no observations.

**Community Council** – No comments received.

## **REPRESENTATIONS**

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

- That a shop and café would be much more useful to residents, as the nearest alternative facilities are quite far away;
- Residents would benefit from having somewhere to meet – loss of facilities would reduce opportunity for community spirit;
- The presence of offices is unwanted and would bring no benefit to residents;
- The offices would be likely to increase the number of cars, with resultant safety implications for children playing on the streets and increased pressure on parking which is already difficult;
- There continue to be a range of amendments to the Donside proposals – the piecemeal downgrading and removal of community facilities, namely the nursery, retail units and recreation areas;
- It is questioned why it is necessary to change the proposals before the development is complete;
- Lack of consultation with community on the changes;
- False advertising of the village, which is promoted on the basis of the community ethos and facilities;

## **PLANNING POLICY**

### **Aberdeen Local Development Plan 2012 (LDP)**

**Policy H2 – Mixed Use Areas:** Applications must take into account the existing uses and character of the area and avoid undue conflict and impact on amenity. Where new business or commercial use is proposed, development should not adversely affect the amenity of people living and working in the area.

### **Policy RT4 – Local Shops**

This policy states that local shops fulfil an important role in serving the community around them. Proposals to change these into other uses will only be allowed if:

1. applicants can demonstrate lack of demand for continued retail use; or,
2. the proposed new use caters for a local need; and,
3. the alternative use does not conflict with the amenity of the neighbouring area.

A note in the LDP advises that appropriate evidence would be that of the marketing of the building for a six month period.

## **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.

### **Proposed Uses**

The application proposal is for an office use (Class 4 of the Use Classes Order) and use as a public reception for the landlord's office (Class 2 of the Use Classes Order). The total floorspace is 341m<sup>2</sup>, comprising 279m<sup>2</sup> of office space and 62m<sup>2</sup> public access point.

In terms of the proposed uses, which are relatively small scale, these are considered acceptable in terms of their compatibility with residential use. There would be no shared entrances. There is an extant planning permission for café and retail uses within the floorspace in question, and the impact on residential amenity, in terms of noise and disturbance, would be no more significant for the proposed use than for the uses that already have planning permission. The issue of traffic generation and parking is dealt with separately below. In terms of the proposed uses, the proposal complies with Policy H2 – Mixed Use Areas.

### **Local Shops**

In terms of assessing the proposal against policy RT4 – Local Shops, it should be noted firstly, that this is only relevant to the smaller of the two units (the larger having permission for a cafe, rather than retail use). Part of the ground floor of the corner block has permission to be used as a retail unit and now seeks permission for public access landlord's office.

Secondly, it should be noted, that the premises have never been brought into use as a retail unit and the wording of the policy does not, strictly, apply as this is not a change of use application. Nevertheless, the aim of the policy is to protect local shops for the benefit of the community and that is the issue in this instance.

Assessing the proposal in terms of the criteria in the policy:

- the applicants have submitted a letter from a letting agent whose assessment of the situation is that there is unlikely to be a market for multiple retail units. The applicant's claim of lack of demand is somewhat weakened by the fact that the development is not yet fully built, or occupied. Evidence of marketing for a six month period, as noted by the LDP, has not been submitted.
- As a high proportion of the properties at Donside will be occupied by housing association tenants, it could be argued that the new use would cater for a local need. Whilst taking note that residents' objection describe the greater need for facilities such as a shop and café.
- It has already been described how the proposed use does not conflict with amenity of the neighbourhood.

Although there are tensions with the aim of this policy, it is considered that given that there is another retail unit available in the village square, and the information from the letting agents, and that the proposed use in this unit is for a public office which would be of some value to around half the residents, that the proposed use of the smaller unit is acceptable. The policy is not relevant in relation to the office use within the floorspace that has permission for a cafe.

It should also be noted that there remains the possibility of alternative floorspace being made available in the 'icon' block for a café or retail unit, should marketing prove successful. However, there is no guarantee of this and the building in question is not yet under construction. Planning permission has been granted for the 'icon' block, under both previous planning approvals. The permissions are for a seven storey block containing flats, and alternatively, for a five storey block, including café unit at ground floor level. Either permission could be implemented.

### **Traffic and Parking**

Residents have raised concerns that the presence of offices would result in an increase in traffic within the village and there will be insufficient parking. The Roads Project Team are satisfied with the overall level of parking on the site, some of which has not yet been laid out as the development is incomplete.

Although it could be argued that despite there being sufficient parking, as office workers would use parking spaces vacated by residents, there could be an increase in traffic accessing the site. However, the office space is relatively small at 279m<sup>2</sup> for the office and 62m<sup>2</sup> for the public access point and it is considered that any increase would be insignificant.

### **RECOMMENDATION: Approve conditionally**

#### **REASONS FOR RECOMMENDATION**

The proposed uses for office use and as a public access point are considered acceptable as they would not have any detrimental impact on residential amenity and would be complementary to the residential use within the same buildings. Although the proposal would result in the loss of potential for a cafe and retail unit within these particular buildings, there remains the potential for a retail unit and a cafe within the village centre. There are some tensions with Policy RT4 – Local Shops, however, these are considered insufficient to warrant refusal of the application. There would be sufficient parking provided and insignificant impact on traffic movements and pedestrian safety.

#### **CONDITIONS**

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

1. That the uses shall not take place unless there has been submitted to and approved in writing by, the planning authority, details of the provision of cycle and motorcycle parking and such measures as so agreed have been implemented

and are available for use on site – in the interests of promoting sustainable transportation by providing parking for motorcycles and bicycles.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.