

Planning Development Management Committee

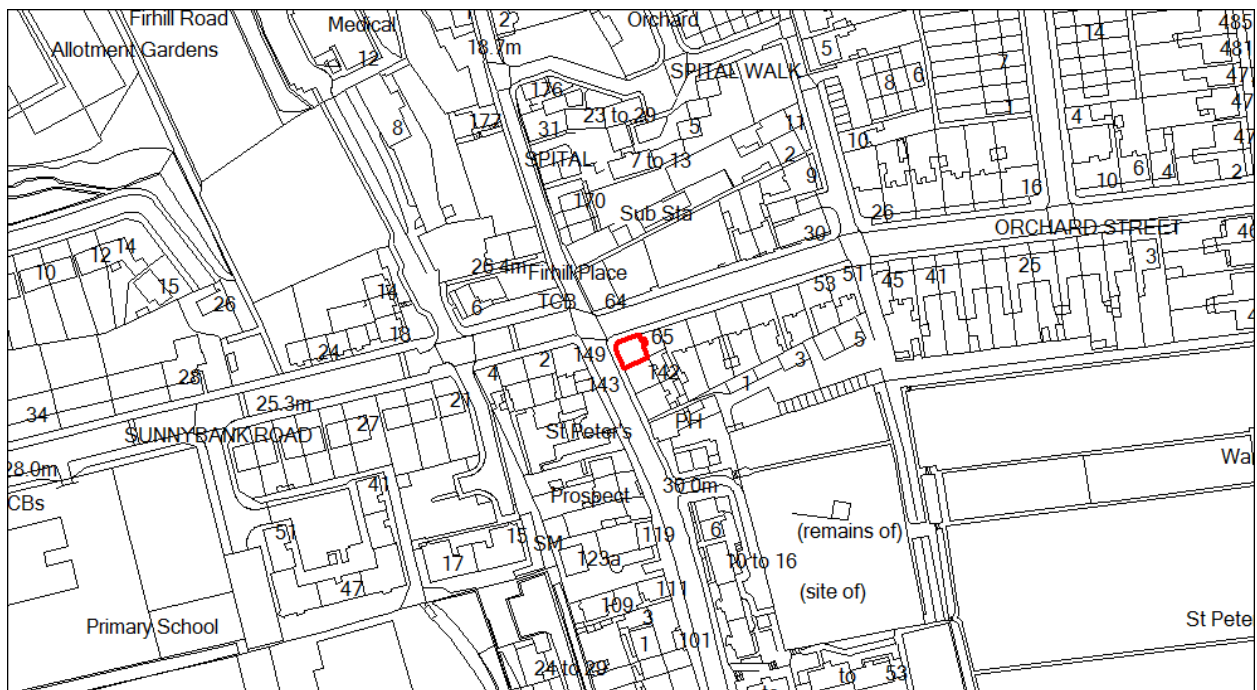
148 SPITAL, ABERDEEN

CHANGE OF USE FROM CLASS 4 (BUSINESS)
TO CLASS 1 (SHOPS)

For: Spice of Asia (UK) Ltd

Application Type: Detailed Planning Permission
Application Ref.: P140531
Application Date: 09/04/2014
Officer: Andrew Miller
Ward: George Street/Harbour (A May/J
Morrison/N Morrison)

Advert: None
Advertised on: N/A
Committee Date: 28/05/2014
Community Council: No response
received.



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The application site forms the ground floor of a four storey granite built tenement on the corner of Spital and Orchard Street. The unit is currently vacant with a class 4 (Business) use being its most recent use. Within the group of tenements in which it is situated, the majority of the ground floors of the buildings form commercial premises along Spital, largely falling into Use Class 1 – Shops. The site falls within the Old Aberdeen/Balgownie Conservation Area.

RELEVANT HISTORY

None relevant to proposal.

PROPOSAL

Detailed planning permission is sought for the change of use of the ground floor of the building from a business use (Use Class 4) to a shop (Use Class 1). The building was most recently used as an office of a commercial furnishing contractor.

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?ref=140531> . On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because six or more letters of objection have been received (in time). Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objections. Noted that the proposed application should provide 4 parking spaces based on the ground floor area of 126 sq m, but that the existing use should have 3 parking spaces. Concerns raised that despite the minor difference in parking requirements, there will be a slight intensification of trips made to this location as a result of the proposal. However as the site is in the inner city area, is within a controlled parking zone, has good accessibility for walking and cycling and is on a regular bus route that this will not be at an overwhelming detriment to the local residents that would lead to an objection.

Environmental Health – No comments received.

Enterprise, Planning & Infrastructure (Flooding) – No observations.

Community Council – No response received.

REPRESENTATIONS

6 letters of objection have been received. In addition, one petition against the development has been received containing 241 signatures. The objections raised relate to the following matters –

1. Problems with parking in area associated with existing uses. Proposed change of use would exacerbate this.
2. The controlled parking zone is only in effect between 10 am and 4 pm Monday to Friday. The store would have an impact on times outwith this period.
3. Existing traffic congestion would be increased resulting in an impact on the school, buses, elderly residents and emergency vehicles that use the street.
4. Use of a shop would be detrimental to overall amenity of the surrounding area, particularly for tourists and the heritage of Old Aberdeen.
5. Excess waste already in the area without appropriate bins. No space to provide any additional bins.
6. Another alcohol licence has been granted when there are sufficient licence holders within a short distance of application site.
7. Neighbour notification was not received and insufficient as not all neighbours were notified.
8. Application has been submitted to capture trade from the nearby Mosque.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy requires development to either preserve or enhance the character or appearance of conservation areas.

Aberdeen Local Development Plan

H2: Mixed Use Areas

Development or change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.

RT2 – Out of Centre Proposals

Retail proposals outwith defined centres will be refused unless a number of criteria are met including:

- No other suitable site in a location that is acceptable in terms of policy RT1 is available;
- There will be no significant adverse effect on the vitality or viability of any retail location;
- There is, in quantitative or qualitative terms, a proven deficiency in provision of the kind of development that is proposed;

- The proposal would be easily and safely accessible by a choice of means of transport using a network of walking, cycle and public transport routes which link with the catchment population; and
- The proposed development would have no significantly adverse effect on travel patterns.

D5 – Built Heritage

Proposals affecting Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

Other Relevant Material Considerations

None.

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 enhance the character or appearance of conservation areas

The main consideration of this application relates solely to the proposed use of the building for retail and whether it would be an acceptable use.

Retail use in a Mixed Use Area

The application site falls within an area designated as a Mixed Use Area within the ALDP. Associated Policy H2 – Mixed Use Areas states that proposals for changes of use should take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. The site is located at the end of a row of established shops, which includes a bookstore and general store, together with a public house, as well as a vacant hairdresser's store. On the opposite side of the road are two hot food takeaways and another vacant hairdresser. Accordingly, the addition of a shop at this location considered to not have any substantial increase in activity in the area as the retail use shall serve the local catchment area, which is highly accessible by foot and public transportation as stated above, satisfying the requirements of policy H2.

In relation to the objections received relating to parking and traffic, the Council's Roads Projects Team raised no objections to the proposal overall. Accordingly, the proposals are considered to be suitable as far as transport requirements are concerned and these matters raised would not warrant a reason for refusal of the application. Relating to the concerns surrounding waste disposal, the application

is for the change of use of an existing building, therefore it would utilise an existing waste servicing arrangement which would not warrant a reason for refusal of the application.

Out of Centre Retail

Policy RT2 of the Aberdeen Local Development Plan 2012 (ALDP) contains criteria which proposals for retail development will be assessed against. In this instance, the scale of the development is relatively small and located adjacent to an existing row of small shops. The location within an established mixed use area (largely residential) would mean that the development would be within walking distance of many residents, as well as being located close to public transport links on Spital and King Street. On this basis, the development is considered to accord with the requirements of policy RT2 of the ALDP.

Conservation Area

The application site falls within the Old Aberdeen/Balgownie Conservation Area. The application in this instance relates to a change of use, with no external works proposed, therefore there would be no impact on the appearance of the building as a result of this application. As far as the use is concerned, the use of the building as a shop, taking account of the neighbouring land uses, is considered suitable for the conservation area, notwithstanding the representation received. Accordingly, it is considered the proposal complies with the requirements of Scottish Planning Policy and subsequently policy D5 of the ALDP.

Matters Raised in Representations

In relation to the other points not addressed above (5, 6 and 7) – these are not material to the consideration of the application. Relating to point 7 of the representation section, Neighbour Notification was carried out to all properties in line with the requirements of the regulations set out by the Scottish Government, with records of a notification being sent to the objector's property.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The change of use from a business use (Use Class 4) to a shop (Use Class 1) is considered to be acceptable in this instance, complying with the requirements of policies H2 – Mixed Use Areas of the Aberdeen Local Development Plan 2012 and RT2 – Out of Centre Proposals. Further, the change of use would not have an impact on character of the Conservation Area, in line with the requirements of Scottish Planning Policy and subsequently policy D5 of the Aberdeen Local Development Plan 2012.

INFORMATIVE

As applied for the application is solely for the use of the premises. Details of any required/proposed external alterations to the premises should be submitted to determine the requirements for planning permission/advertisement consent.

Dr Margaret Bochel

Head of Planning and Sustainable Development.