

## Planning Development Management Committee

"FORMER POLICE STATION", MID STOCKET ROAD

CHANGE OF USE OF FORMER POLICE STATION TO RESIDENTIAL ACCOMMODATION (AMENDMENT TO 131363)

For: Mr Stanley Wood

Application Type : Detailed Planning Permission  
Application Ref. : P141246  
Application Date: 14/08/2014  
Officer: Paul Williamson  
Ward : Midsocket/Rosemount (B Laing/F Forsyth)

Advert : Section 60/65 - Dev aff LB/CA  
Advertised on: 27/08/2014  
Committee Date: 6 November 2014  
Community Council : Comments



### RECOMMENDATION:

**Approve subject to conditions**

## **DESCRIPTION**

The site to which this application relates comprises a single storey flat roofed building which was formerly used as a Police Station. The existing walls are of granite block construction, with white Upvc windows, and cast iron rainwater goods (painted grey). The property is located towards the eastern end of Midstocket Road, near its junctions with Beechgrove Terrace, Argyll Place, Craigie Loanings, and Rosemount Place.

In respect of neighbouring property, there is a small area of unused ground to the east, with 1 ½ storey properties beyond containing a mix of retail and residential flats. To the south is a bank at ground floor level, with two storeys of residential accommodation above. To the west is the four storey flatted development of Midstocket Mews, while to the north are the rear gardens and garages associated with Argyll Place.

Bus stops are located within 40 metres of the application site to the west on Midstocket Road.

## **RELEVANT HISTORY**

A planning application (Ref: 131363) was considered by Members at the meeting of the Planning Development Management Committee on 28 November 2013. In that instance, the only change in comparison to this current application was that the size of the rooftop extension measured 4.2 by 2.1, thus covering approximately 8.8 square metres.

### 14-16 Midstocket Road (Adjacent site to east)

94/0173 Shop on Ground Floor with Flat Above. Refused at Planning Committee on 25 April 1994.

94/1217 Shop on Ground Floor with storage above (1 ½ storey). Approved Conditionally on 4 August 1994. This was never implemented.

94/2165 Erection of 2 no. flats. Refused at Planning Committee on 29 November 1994.

## **PROPOSAL**

Detailed Planning Permission is sought for the change of use of this former Police Station to form a one bedroomed residential unit. The submitted plans show the premise comprising of one bedroom, a living area, a shower room, and a kitchen.

In addition, the proposals show the provision of a staircase leading up to roof level, to an area which would be utilised as roof garden/amenity space. This

would be enclosed to the north and east by the provision of a 2.3 metre high screen wall, which would be clad with horizontal timber linings. To the southern edge of the roof garden would be a mild steel balustrade (painted grey). At the north eastern corner of the roof terrace would be an enlarged (beyond that previously approved) sun lounge of approximately 16.8 square metres (Approximately 4.3 x 3.9m) which would enclose the stair leading to the ground floor level.

The submitted plans show that a further external change would be the drop of window cill level to the site frontage to Midstcket Road. The new windows and doors would be timber painted white.

### **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=141246>

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 the Planning Development Management Committee because the application is being recommended for approval and has been the subject of a formal objection by the Rosemount/Mile End Community Council within whose area the application site falls. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

### **CONSULTATIONS**

**Roads Projects Team** – No observations.

**Environmental Health** - In principle there is no objection to the proposals, however due to the close proximity of the dwelling to the road and nearby junction, there are concerns over road traffic noise disturbance to future occupants. A suitable noise survey is required through a condition, to ascertain whether mitigation is required.

**Enterprise, Planning & Infrastructure (Flooding)** - No observations.

**Rosemount and Mile-End Community Council** – Make the following points for consideration:

- The roof area should not be built upon, and the scale of the latest sun lounge extension is inappropriate;
- This is a very limited site which offers no parking facilities near a busy road junction;
- The ownership of the adjacent land to the east is questioned; and,
- The Committee should undertake a site visit.

### **REPRESENTATIONS**

Three letters of representation/objection have been received. The objections raised relate to the following matters:

- No provision for an external wheelie bin stance;
- The proposal constitutes the overdevelopment of the site due to the increase in size of the first floor level, and comparison to the original built form of the building;
- The plans submitted are not detailed enough, and consist of inaccuracy between the plan and elevation (staircase enclosure);
- Loss of amenity;
- A previous application for a two storey property on the adjacent site was previously refused;
- Lack of car parking;
- Dangerous access from kitchen on to a busy back lane;
- Detriment to privacy;
- The design may lead to a potential traffic hazard;
- The design is inappropriate for the location; and
- The construction may lead to detriment impacts on adjacent residents.

The following matters raised are not material planning considerations:

- No right of access to adjacent garden for construction or maintenance;
- Two elevations are landlocked;
- Alleged flaunting of legislation, and quality of previous developments by the same applicant; and,
- Behaviour of the applicant.

## **PLANNING POLICY**

### **Scottish Planning Policy**

Scottish Planning Policy states in paragraph 110 that “The historic environment is a key part of Scotland’s cultural heritage and it enhances national, regional and local distinctiveness, contributing to sustainable economic growth and regeneration. It is of particular importance for supporting the growth of tourism and leisure, and contributes to sustainable development through the energy and material invested in buildings, the scope for adaptation and reuse and the unique quality of historic environments which provide a sense of identity and continuity for communities. Planning authorities can help to safeguard historic assets through development plans and development management decisions. Paragraph 115 states “A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area. Planning permission should normally be refused for development, including demolition, within a conservation area that fails to preserve or enhance the character or appearance of the area”.

## **Aberdeen Local Development Plan**

Policy RT3 – Town, District and Neighbourhood Centres states that proposals for change of use from retail to non-retail use in town, district and neighbourhood centres will only be allowed if in compliance with five set criteria.

Policy D1 – Architecture and Placemaking states that 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. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2 – Design and Amenity states that in order to ensure the provision of appropriate levels of amenity the following principles will be applied:

- 1) Privacy shall be designed into higher density housing;
- 2) Residential development shall have public face to the street and a private face to an enclosed garden or court;
- 3) All residents shall have access to sitting out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the council; etc.

Policy D4 – Aberdeen’s Granite Heritage states that the City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured.

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

## **Supplementary Guidance**

### Transport and Accessibility

## **Other Relevant Material Considerations**

None relevant to this application.

## **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 application site is located within the Town Centre of Rosemount. As such proposal RT3 technically applies. However, as the site is already out of retail use, the conversion of this former Police Station to form a small residential unit would not result in any conflict with policy RT3.

As noted above, a similar application was approved by Members at the meeting of the Planning Development Management Committee on 28 November 2013. The applicant has subsequently approached the planning service to increase the size of the sun lounge upon the roof. As acknowledged in the previous report, the existing building is not particularly inspiring, and adds little to the character of the wider Rosemount/Westburn Conservation Area, which the site is within, yet on the boundary of. Accordingly, the provision of a slightly larger sun lounge upon the roof (an increase of 8 square metres), would still ensure the provision of an area of external amenity space upon the roof, and would not diminish the overall appearance of the development. The proposal is still considered to result in the sustainable re-use of this property which is also supported through Scottish Planning Policy.

At present, the height to the top of the parapet wall is 3.7 metres. As part of the proposals, the overall height including the two enclosing walls to the north and east would still be 5.6 metres in height in comparison to the previously approved development. Such an increase in height is not considered to lead to a significant detriment to either the visual amenity nor the character of the area. The 1 ½ storey properties to the east (8-12 Midstocket Road), are estimated to have a ridge height of approximately 6.5 metres, while the scale of properties to the south (containing the bank), and Midstocket Mews to the west, are even larger still. It is not considered therefore that the proposal would have a level of impact in respect of over-shadowing or loss of daylight that would warrant the refusal of this application.

In respect of Scottish Planning Policy, it is clear in identifying that “a proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance”, and can therefore be granted. In this instance, while not to the liking of objectors, the use of timber linings in enclosing two sides of the proposed roof terrace, helps to illustrate that the works are an extension to the heavier original granite materials below. Given the scale of surrounding buildings, the proposals while contemporary would not be out of scale with surrounding properties. The shape of the building at the corner of Midstocket Road and the rear lane, would not necessarily lend itself to putting a more traditional hipped roof solution on the property, and would most likely end up having a greater height to ridge than is currently proposed. Accordingly, the proposal continues to accord with SPP and Policies D1, D4, and D5 of the Local Development Plan.

In relation to the remaining policies of the development plan, the proposal does provide access to sitting out areas through the formation of the roof garden. The provision of 2.3 metre high boundary treatments to the east and north elevations would effectively enclose this roof garden and prevent overlooking to the adjacent land to the east, and the rear gardens of Argyll Place to the north. Therefore, the only areas that could be seen would be onto Midstocket Road itself, and across the road junction to Beechgrove Terrace. This would therefore accord with the requirements of Policy D2.

As the site is effectively land-locked, there is no prospect of providing car parking, without the prospect of demolition, and providing accommodation above. This is unlikely to be acceptable from both a road safety perspective, and design solution. Furthermore, the Roads Officer has confirmed that he has no objection to this planning application, and the Council have already accepted the principle of residential use with no car parking in this location. Turning to the response from Environmental Health, they have outlined that there is a requirement for a noise survey in light of the proximity to a busy junction. This can be effectively controlled by planning condition, with development being dependant upon a positive response.

#### Relevant Planning Matters Raised by the Community Council

In respect of the points raised within the objection from the Rosemount and Mile End Community Council not already addressed above, the concerns in respect of the scale of the increase to the proposed sun lounge is at the limit of acceptability to the planning authority, as it strikes a balance between the built area upon the roof, while still retaining an area of external amenity space. The query with regard to the neighbouring land is not material at this time, as it is not incorporated into the existing planning application site boundary. The lack of parking facilities was not objected to by Roads Officers in respect of public safety.

The alleged conduct of the applicant is not a material planning consideration.

#### Relevant Planning Matters Raised in Written Submissions

Turning to the issues raised within the objections received, that have not all been addressed above, there is no scope for external bin storage areas to be provided, and therefore communal street bins would have to be utilised in this instance. Initial inaccuracies on the submitted plans have subsequently been rectified. The door from the kitchen is an existing access point, and no objection has been received from Roads in respect of public safety. The proposal is not considered to result in a road safety hazard as no objection was received from Roads Officers. The proposal is not considered to result in any detriment to adjacent privacy.

In summary, the proposal which would see the re-use of the existing building, and the provision of a roof terrace through a contemporary design solution is considered to comply with Scottish Planning Policy, and the relevant policies of the Aberdeen Local Development Plan.

## **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

That the proposal to convert a vacated former police station in order to form a one bedroomed residential property is considered to accord with policies D1 Architecture and Placemaking, D2 Design and Amenity, D4 Aberdeen's Granite Heritage, and D5 Built Heritage of the Aberdeen Local Development Plan. In addition, while incorporating an enlarged contemporary extension onto the roof terrace in comparison to the previously approved proposals, the proposed development is considered to be of sufficient quality for its location within the Rosemount/Westburn Conservation Area, and would sustain the character of the area.

## **CONDITIONS**

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

(1) That no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

(2) that no development shall take place unless a scheme detailing all external finishing materials to the roof terrace and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(3) that no development shall commence until full details of the replacement window(s) hereby approved (including detailed cross section(s)) has been submitted to and approved by the Planning Authority. The visible part of the outer frame of the front windows hereby approved shall not exceed 25 mm in width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation. Thereafter, the windows shall be implemented in accordance with the approved plans - in order to preserve the character of the conservation area.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.