

141589

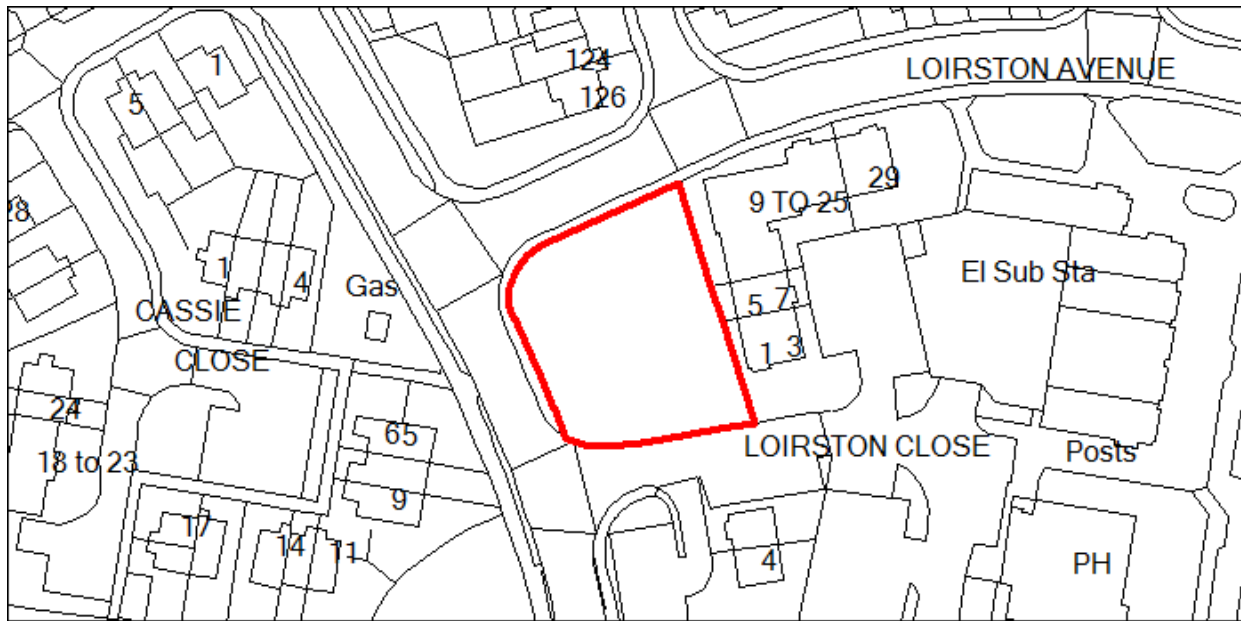
Planning Development Management Committee

THE CO-OPERATIVE, EARNS HEUGH ROAD,
COVE BAY

INSTALLATION OF REFRIGERATION/PLANT
UNIT TO EXISTING REAR YARD OF RETAIL
STORE

For: The Co-Operative Group

Application Type : Detailed Planning Permission	Advert : Can't notify neighbour(s)
Application Ref. : P141589	Advertised on: 26/11/2014
Application Date: 07/11/2014	Committee Date: 15 January 2015
Officer: Hannah Readman	Community Council : No response received
Ward : Kincorth/Nigg/Cove (N Cooney/C Mccaig/A Finlayson)	



RECOMMENDATION: Approve Subject to Conditions

DESCRIPTION

This rectangular site with an area of 963 square metres is situated adjacent to the village centre of Cove and is bounded within the three roads, Earns Heugh Road along its eastern boundary, Loirston Avenue to the north and Loirston Close to the south. The site is currently being developed to form a new convenience store. This application relates specifically to the south west corner of the site which will contain the service area. The surrounding area is predominantly residential with flats located directly to the east.

RELEVANT HISTORY

The site was formerly reserved by Aberdeen City Council as a site for village centre facilities, initially a library and subsequently a medical centre. These facilities have since been built nearby on alternative sites. Planning permission was granted in 1995 for a medical centre on this site but never built. The council apparently held an option over this site for a long time but this has been terminated and the site has now been offered for development.

Planning ref 120202 for the erection of a retail unit with associated car parking was refused by the Development Management Sub-Committee (visits) in July 2012 contrary to officer recommendations. The reasons for refusal were; *to refuse the application as the application will adversely affect the residential amenity, specifically the noise from the potential development would adversely affect neighbouring properties.*

That decision was appealed to the Scottish Government Directorate for Planning and Environmental Appeals in February 2013. Following a site inspection, the appeal was dismissed as it was felt the proposal would significantly detract from the existing residential amenity, specifically with regards;

- the impact of the 2m close boarded acoustic fence;
- the inadequacy of the noise assessment and the closeness of the delivery road to the eastern residential properties;
- the location of the refuse pick-up;
- switching off delivery vehicle mounted refrigeration units;
- plant noise.

A subsequent planning application ref 130652 for the erection of a retail unit with associated car parking was approved conditionally under delegated powers in September 2013. This is currently under construction.

PROPOSAL

Detailed planning permission is sought for the installation of a refrigeration unit within the service yard of approved permission ref 130652 which will be surrounded by a 2.4m high, timber painted fence. The unit will measure 1.5m in width, 2.6m in length and 2.6m in height.

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=141589>

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

- Noise Report

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there have been eleven letters of objection received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No observations

Environmental Health – No objections subject to the requirements of the BRL noise impact assessment report of 12/2/14 being met by condition

Flooding – No observations

Community Council – No response received

REPRESENTATIONS

Eleven letters of objection have been received. The objections raised relate to the following material planning considerations:

- Noise
- Location of unit in proximity to homes
- Size of refrigeration unit

PLANNING POLICY

Aberdeen Local Development Plan

Policy H1 – Residential Areas

Within existing residential areas, proposals for non-residential uses will be refused unless: a) they are considered complimentary to residential use; or b) it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

H1 – Residential Areas (H1 - Residential Areas)

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.

Impact on surrounding residential area

The proposed refrigeration unit will be concealed behind a fence on the south and west elevations, with only 20cm of the top of the unit being visible to the

public, and the retail unit to the north and east elevations. Therefore, the unit would have a neutral impact on the visual amenity of the area. The refrigeration unit would be located adjacent to the convenience store and approximately 20m from the nearest residential dwelling to the south and west and is therefore considered to be positioned in a suitable location that will not unduly disturb residential amenity. The noise generated by the unit will be negligible when compared to existing noise generated by traffic in the area and in that respect it is also worth noting that on reviewing the Noise Report, no observations were forthcoming from Environmental Health. Planning permission has been granted for a convenience store and it is considered that the refrigeration unit would not cause any additional conflict with or any nuisance to, the enjoyment of existing residential amenity.

Letters of representation

It is noted that the majority of objections came from residents out with the area and that the issues raised relate to the site as a whole which has already been granted permission, not specifically to this application.

Several letters of representation referred to the whole site. It is understood that these objectors were not aware that planning permission had been granted for a convenience store and thought that the refrigeration unit was going to occupy the whole site.

The non-material considerations raised in the objections, including; the impact on property values, the loss of a view, how would access the building, work being started without planning permission and the inconvenience of existing construction traffic – have not formed part of the evaluation of this application.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, policy H1 *Residential Areas* substantively reiterates the guidance given from policy H1 Residential Areas in the adopted Local Development Plan.

RECOMMENDATION

Approve Subject to Conditions

REASONS FOR RECOMMENDATION

The refrigeration unit has been appropriately located so as not to have an adverse impact on the residential or visual amenity of the surrounding area. It is therefore compliant with Policy H1 (Residential Areas) of the Adopted Local Development Plan and the subsequent *Policy H1 (Residential Areas)* of the Proposed Local Development Plan.

CONDITIONS

It is recommended that approval is given subject to the following condition:

- (1) that the plant will meet the requirements of BRL noise impact assessment report of 12/02/14. Reason - in the interest of residential amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development.