

Planning Development Management Committee

80 WESTERN ROAD, ABERDEEN

CHANGE OF USE FROM MEDICAL PRACTICE
TO 19 SERVICED APARTMENTS (STAFF
ACCOMMODATION)

For: Arnold Clark Automobiles

Application Type : Detailed Planning Permission
Application Ref. : P141404
Application Date: 23/09/2014
Officer: Gavin Clark
Ward : Hilton/Woodside/Stockethill (G Adam/K
Blackman/L Dunbar)

Advert :
Advertised on:
Committee Date: 12 February 2015
Community Council : No response
received



RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal obligation with the Council to ensure that: the serviced apartments remain as a single planning unit, in the ownership of the current applicant to ensure that they are not sold off separately or disposed of for any alternative use; and in order to restrict the length of occupancy of any apartment to a maximum period of 90 days.

DESCRIPTION

The application property is a two storey building finished in render with a slated mansard style roof. It is set within a triangular plot, located at the junction of Church Street and Western Road, opposite the junctions of Grandholm Street and Summer Street. The building was previously used as a medical practice, but is currently vacant, with access taken to the building from Western Road.

The surrounding area is predominantly residential in nature and includes a mixture of detached and semi-detached dwellinghouses, flatted dwellings and a former masonic lodge (which is currently vacant). A small area of landscaping is located in front of the northern elevation of the building (facing onto Church Street). No on-site parking exists.

HISTORY

An application for planning permission (Ref: 140104) was withdrawn in January 2015 for the demolition of the existing medical centre building and construction of a residential development (7 units) with associated car parking.

Planning permission (Ref: A3/1807) was approved in November 2003 for the provision of a disabled access ramp, associated to the medical practice use.

PROPOSAL

Detailed planning permission is sought for a change of use from medical practice to form 19 serviced apartments. Access to the building is to be taken from the existing entrance on Western Road, with no external alterations proposed. A secondary access would also be taken at the corner of Western Road and Church Street, again as is currently the case.

Numerous internal reconfigurations are proposed. At ground floor level, a total of 8 serviced apartments would be created, each comprising one bedroom/ living space with desk area, and an en-suite shower room. They would range in size from 12.5sqm to 14.4 sqm. Four of these apartments (Rooms 3-6) would face onto Church Street, two (Rooms 7-9) would face towards the residential dwelling at 19 Church Street and two (Rooms 1-2) would face towards Western Road. The ground floor would also include a kitchen and communal area (which would extend to 34 sqm and face towards Western Road), laundry, toilets, cleaner's cupboards and two stairwells.

At first floor level, a total of 11 serviced apartments would be created, again with similar accommodation. They would range in size from 14.7 sqm to 31 sqm. Four of these properties would face onto Church Street (Rooms 16-19), one (Room 9) would face toward the property at 19 Church Street, one (Room 10) would have two aspects, looking over the garden of 19 Church Street and Western Road and the other five apartments at first floor level (Rooms 11-15) would face onto

Western Road. The first floor would also include two cupboards, a kitchenette/tea prep area and two stairwells.

Ancillary cycle parking (6 no Sheffield cycle stands) would be provided to the east of the main entrance to the building. In addition, bin storage is proposed in the south-west corner of the site.

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=141404>

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

- Car Parking Study – submitted 22nd December 2014
- Transport Statement – submitted 21st January 2014

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Roads Projects Team – response is discussed in detail in the evaluation section below. In summary, the proposal would provide no on-site parking and Parking Surveys and a Transport Statement have been provided. Concerns were highlighted, that although the occupier of the site is committed to minimising the use of private car in accessing the site, that should the property change hands no mechanism would be in place to effectively control car use behaviours, and as such the local streets would be used for parking – where there is limited capacity. In order to address this issue a condition is requested. A condition was also requested in relation to ensuring provision of cycle parking.

Environmental Health – have raised no objection subject to the submission of a noise assessment (via appropriate condition) and the insertion of an informative in relation to appropriate hours for construction work.

Developer Contributions Team – no contribution required.

Enterprise, Planning & Infrastructure (Flooding) – no response received.

Community Council - no response received.

REPRESENTATIONS

Nine letters of objection have been received. The objections raised relate to the following matters –

1. Concerns in relation to the potential impact on the character and amenity of the surrounding area;
2. Concerns in relation to the junction of Church Street/ Grandholm Street and Western Road; and that any additional traffic would exacerbate existing problems;
3. Concerns in relation to the impact on on-street parking (both from users and staff) in the surrounding area, as a result of the development, and as no on-site parking is to be provided;
4. Concerns in relation to the design of the development, and concerns raised about any external alterations to the property, including a potential flat roof extension; and
5. Concerns that the proposal would impact on the value of properties in the surrounding area.

PLANNING POLICY

Aberdeen Local Development Plan

Policy H1: Residential Areas: states that, within existing residential areas, proposals for non-residential uses will be refused unless: they are considered complementary to residential use; or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

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.

Policy D2: Design and Amenity: states that, in order to ensure the provision of appropriate levels of amenity the following principles will be applied: privacy shall be designed into higher density housing; residential development shall have a public face to the street and a private face to an enclosed garden; all residents shall have access to a sitting out area; parking shall be in a private court, opportunities for light shall be designed in; developments shall design out crime and external lighting shall take account of residential amenity.

Policy D3: Sustainable and Active Travel: states that new development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

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

Proposed Aberdeen Local Development Plan

- Policy H1: Residential Areas
- Policy D1: Quality Placemaking by Design
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel

Supplementary Guidance

Transport and Accessibility
Serviced Apartments

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.

Principle of Development

The proposed use is considered appropriate for this out-of-centre generally residential location, being itself quasi-residential in nature. For the reasoning set out below the proposal would be considered complementary to existing residential use and would cause no conflict with, or nuisance to, the enjoyment of existing residential amenity.

Conflicts of Uses

In terms of assessment against Policy H1 (Residential Areas), there is a need to consider whether the proposed use would result in conflict with existing uses. In this regard, the surrounding area is predominantly residential in nature, whereas the previous use of the building was non-residential; given the similarities between residential and quasi-residential uses it is considered that the principle is appropriate.

Occupier Amenity

As regards to the issue of provision of a suitable level of residential amenity, given the nature of the proposed use, where occupancy is for limited time period and of a relatively transient nature, it would not be reasonable to expect an equivalent level of amenity as would be required for mainstream residential uses. It is also important to consider that the proposed retention and change of use of the building offers no opportunity to provide external amenity space.

Taking the criterion within policy D2, as a guide, whilst 3 properties lack a frontage onto a street (being those facing the property at 19 Church Street), and

that there is no access to sitting out areas, given the proposed use is not for mainstream residential occupancy and a communal sitting area and kitchen are to be provided, it is not considered appropriate to apply the same stringent tests set out within D2. It is also noted that serviced apartments and hotels have been approved throughout the city with limited levels of amenity for occupants and whilst each application must be considered on its own merits, this is a relevant factor in considering the proposal. It is also noted that there are a number of areas of open space in the surrounding area, including Stewart Park, which is located approximately 360m to the west and the Woodside Sports Complex, which is located approximately 410m to the north.

In terms of prospective occupants, any noise nuisance as a result of vehicular traffic on the adjacent roads can be addressed via the undertaking of a noise assessment to ensure any required mitigation is implemented. The Council's environmental health officers do not object to the proposal on noise grounds, subject to the submission of such a noise assessment and implementation of any mitigation.

Given that the proposal relates to an existing building and the new use is quasi-residential, the sustainability of the proposal, the residential nature of the surrounding area and the areas of open space mentioned above, it is considered that the levels of amenity afforded to occupiers of the serviced apartments would be acceptable, and would introduce an acceptable use to the vacant doctors surgery.

Supplementary Planning Guidance: Serviced Apartments

Any proposal would be required to comply with the above Supplementary Planning Guidance, which advises that serviced apartment's outwith the city centre, but within the existing built up area, will be assessed on their own merits. The SPG also looks for an acceptable level of amenity, and is considered that this could be provided, as discussed above. In terms of loss of privacy, whilst rooms 7-10 may overlook the neighbouring garden ground, these windows already exist, and any loss of privacy/ overlooking would not be to an unacceptable degree, particularly as they would not look into the internal parts of the house, but to the rear garden. A condition would also be inserted requesting the submission of a servicing strategy, in line with guidance. Sustainable and active travel has also been discussed within the section below and is has been confirmed that no developer contributions would be required. The proposed development does not offend the general principles of the Serviced Apartments Supplementary Planning Guidance.

Parking / Traffic Generation

The proposal has been subject to detailed consultation with Council roads officers and the applicants have submitted a Transport Statement and Car Parking Survey in support of the application. In general terms the site is highly accessible by sustainable transport modes, being located approximately 3km from Union Street. The 17 and 18 bus routes (located on Great Western Road)

and the 23 (which runs along Clifton Road) are close by, giving easy access to the city centre, other bus routes and Dyce. Overall the existing walking, cycling and public transport facilities in the vicinity of the site are of a good standard and provide sufficient connectivity and capacity to accommodate the level of trips that would likely be generated by the apartments. A residential travel pack is also proposed as a means of highlighting sustainable travel to occupiers of the premises, who would be employees of Arnold Clark, who are the owners of the building.

A parking survey was undertaken in support of the application concluded that the surrounding streets would have capacity to accommodate likely parking demands, that would typically be during evenings. The survey found that 25% of spaces within 200m of the site were available for use during evenings (with a maximum of 89 of the 131 parking spaces occupied at 6:30 pm) and over 20% of the spaces within 200m of the site available for use in the mornings (101 of the 131 spaces occupied at 6:30 am), which could accommodate any additional demand generated by the proposal.

Notwithstanding the availability of parking spaces to accommodate peak parking demands; the applicant would only use the apartments to meet the temporary accommodation needs of their staff visiting the city on business trips. The applicant has also agreed to putting measures in place to ensure that staff do not drive between the apartments and their business premises (which include premises on Craigshaw Road, Wellington Road and Whitemyres Place), and instead could manage transport demands by making car or mini-bus collections.

The proposed use, along with the sustainable transportation measures proposed, would likely generate less traffic than a doctor's surgery (particularly during the day). In addition, the planning authority would seek the imposition of a legal agreement, to ensure that the property remained in the ownership of the current applicant and could not be transferred over to any other parties without the requirement for further process.

The Council's roads officers have noted the findings of the parking survey, and are content that there would be spaces available on the surrounding road network. They are also content that, subject to the legal agreement mentioned above, a mechanism could, and would be put in place to minimise the use of private car to and from the development, by providing shared transportation to and from the occupant's places of work (and indicated above) and discouraging them from taking a private car to the site. They are also content that people using the serviced apartments would be supplied with a Residential Travel Pack (RTP), which would provide information of local amenities and sustainable transport options in the area.

Initially roads officers raised concerns that although the occupier of the site has committed to minimising the use of private car in accessing the site, that should the property change hands, no such mechanism would be in place and the local streets would be used for car parking. They asked for a condition to be inserted to prohibit this from happening. The Council's Supplementary Guidance on

Serviced Apartments advises that *“in order to control maintenance and servicing of serviced apartments, Aberdeen City Council wishes to see serviced apartments remaining in single ownership, ensuring that they are not sold off separately or disposed of for any alternative use”*. In this instance the Council intends to enter into a legal agreement with the occupiers of the premises to ensure the serviced apartments remain in the ownership of the current applicant. As such the concerns would be adequately addressed and controlled.

The roads officers also highlighted that the previous use of the site provided no off-street parking. However, if an application were to come forward with for a doctor’s surgery in this general location, that using the current parking standards, off-street parking would be pursued. We can take from this that that the roads officers’ preference would be that a level of parking was provided. However, as discussed, measures can be put in place to mitigate the lack of any on-site parking and also taking cognisance of the existing use value attributable.

In conclusion, whilst comments were highlighted that no off-street parking was to be provided, the mechanisms to be put in place to ensure sustainable transport to the site would address these concerns. As such an updated consultation response, was submitted, and roads officers do not object to the application and indicate contentment that the proposal does not offend the sustainable travel objectives of Policies D3 (Sustainable and Active Travel) or T2 (Managing the Transport Impact of Development) of the ALDP, all subject to the insertion of conditions in relation to the provision of: cycle parking, sustainable travel plans; and the imposition of a legal agreement ensuring that the premises must remain in the ownership of the applicant and operated as a single business. This legal agreement would also ensure that any serviced apartments no not become permanent residential properties.

Matter raised in letters of representation

Turning to the representations, as summarised above, the response is as follows:

1. The proposal would have a minimal impact on the character and appearance of the surrounding area, particularly as no external alterations are proposed to the appearance of the building, other than the provision of cycle stands and a bin storage area to the front of the building, finalised details of each would be requested via an appropriate planning condition;
2. Roads officers have raised no objection relating to the Church St/ Grandholm St junction, and have commented that the existing and proposed use would have a negligible impact on the local road network. Nonetheless, the applicants have confirmed that vehicular trips would be kept to a minimum (with details of how this would be undertaken discussed previously) and thus impact on the surrounding area is considered acceptable, the concerns of the objectors have been discussed in greater detail in the “parking/ traffic generation” section of this report;

3. Concerns relating to pressures on on-street parking have also been discussed in the “parking/ traffic generation” section above and found to be satisfactory;
4. As mentioned previously no external alterations are proposed other than the cycle racks and the bin storage area; and
5. This matter is not a material planning consideration.

Other Material Considerations

In this instance there are no material planning considerations that would warrant refusal of planning permission, the proposal is therefore recommended for conditional approval, subject to a legal agreement ensuring the property would remain in the ownership of the current applicant and occupancy is restricted to a maximum period of 90 days.

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, the policies in the Proposed ALDP substantively reiterate those in the adopted local development plan and the proposal is acceptable in terms of both plans for the reasons already previously given.

RECOMMENDATION

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal obligation with the Council to ensure that: the serviced apartments remain as a single planning unit, in the ownership of the current applicant to ensure that they are not sold off separately or disposed of for any alternative use; and in order to restrict the length of occupancy of any apartment to a maximum period of 90 days.

REASONS FOR RECOMMENDATION

The proposal is considered to be an acceptable change of use from a doctor's surgery to quasi-residential serviced apartments, within a predominantly residential area. The proposal is considered complementary to the surrounding residential uses and, whilst four of the bedrooms could be argued to overlook neighbouring garden ground, these windows already exist, and the loss of privacy/ overlooking would not be to an unacceptable degree, particularly as they would not look into the internal parts of a house, as a result it is considered that the proposal would not cause an unacceptable conflict to existing residential amenity. Subject to the imposition of conditions and a legal agreement, the proposed use would accord with Policies H1 (Residential Areas), D3 (Design and Amenity) and T2 (Managing the Transport Impact of Development). The proposal is also considered to accord with the relevant Supplementary Guidance on Serviced Apartments. The external alterations by way of cycle facilities and bin storage would be controlled via an adequate planning condition and would not offend the general principles of Policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

The proposal does not offend the principles of Policies H1 (Residential Areas), D1 (Quality Placemaking by Design), Policy T2 (Managing the Transport Impact of Development or T3 (Sustainable and Active Travel) of the proposed local development plan.

CONDITIONS

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

(1) That none of the serviced apartments hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing L(00)001 have been provided - in the interests of encouraging more sustainable modes of travel.

(2) That none of the serviced apartments hereby granted planning permission shall be occupied unless full details for the proposed bin storage area, including boundary enclosures, as shown on drawing L(00)001 have been submitted to, and approved in writing by the planning authority, and that such approved storage area is constructed and available for use – in order to preserve the amenity of the neighbourhood and in the interests of public health.

(3) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan (GTP), which outlines sustainable measures to deter the use of the private car. Such GTP shall be made available within all apartments at all times – in order to encourage more sustainable forms of travel to the development.

(4) 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 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 the amenity of future occupants.

(5) that the serviced apartments hereby granted planning permission shall not be occupied unless a servicing plan for the proposal has been submitted to, and approved in writing, by the planning authority – in the interests of the amenity of the surrounding area.

Informatives

1. It should be noted that the serviced apartments hereby approved shall form a single planning unit and shall not be disposed of independently one from the other without the prior consent in writing of the planning authority. Furthermore the Serviced Apartments hereby approved shall be used solely for that purpose for a maximum of 90 days by the same occupants. These aspects are covered through the associated s75 legal agreement.
2. That, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:
 - (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
 - (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
 - (c) at any time on Sundays,except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery].
3. The applicant should discuss the content of the required Green Travel Plan with Richard Bailie in the Roads Projects Team (Tel: 01224 522161, Email: rbailie@aberdeencity.gov.uk).
4. The applicant should discuss the content of the required Noise Assessment with Andrew Gilchrist in the Councils Environmental Health Service (Tel: 01224 522720, email: agilchrist@aberdeencity.gov.uk)

Dr Margaret Bochel
Head of Planning and Sustainable Development

