

Signed (authorised Officer(s)):

54 SALISBURY TERRACE, ABERDEEN

CHANGE OF USE FROM CLASS 5
(GENERAL INDUSTRIAL) TO CAR REPAIR
(CLASS 5) AND CAR HIRE (SUI GENERIS).

For: Washbay

Application Type : Detailed Planning
Permission

Application Ref. : P141473

Application Date : 30/09/2014

Advert : None

Advertised on : N/A

Officer : Andrew Miller

Creation Date : 9 December 2014

Ward: Airyhall/Broomhill/Garthdee (I Yuill/A
Taylor/G Townson)

Community Council: Comments

RECOMMENDATION:

Refuse

DESCRIPTION

The application site forms a garage falling into Use Class 5 (General Industrial) with the most recent use being a car valeters. The site covers an area of some 266 sq m, and contains two buildings in a L shape with a canopy to the side. The surrounding area is residential, and is zoned as such in the Aberdeen Local Development Plan 2012. The Great Western Road Conservation Area bounds the site to the north west.

RELEVANT HISTORY

130793 – Demolition of garage/car valet business and erection of new house granted Detailed Planning Permission 10 February 2014.

97/1394 – Alteration to form new wash bay granted Detailed Planning Permission 12 September 1997.

94/1288 – Demolition of commercial garage and associated yard area and erection of three terraced dwellinghouses refused Detailed Planning Permission by the Planning committee 19 October 1994.

PROPOSAL

Detailed planning permission is sought for the change of use of the premises from a Car Valeters/Class 5 (General Industrial) to a mix of Car Repair (Class 5) and Car Hire (Sui Generis).

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.=141473>

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

CONSULTATIONS

Roads Projects Team – Object on the lack of parking provision and the unsuitable layout of parking provided.

Environmental Health – No observations.

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

Ashley and Broomhill Community Council – Object to application on basis that:

1. Concern that the applicant proposes to do car repair and car hire from the premises. The applicant also currently carries out body repairs at their existing premises.
2. The surrounding area is residential.
3. Limited parking on site for hire cars and those of customers, staff. It is inevitable there will be overspill on the street.
4. Development will add to congestion on roads in the area.
5. Salisbury Terrace is unsuitable for trucks that would be delivering cars for repair and spare parts. Traffic would have to stop for any deliveries to the site.
6. Would cause problems for refuse vehicles in the street.
7. Car repairs will result in noise from motor vehicles and machinery, impacting on nearby residents.
8. Paint spraying may generate fumes and airborne particulates that would affect nearby residents.
9. All vehicles would have to cross a narrow pavement to enter the premises. Vehicles negotiating the entrance would cause obstruction and hazard,

- representing a danger to all pedestrians, including children going to school.
10. Waste disposal may also be problematic involving chemicals, solvents, paint and car parts.

REPRESENTATIONS

One letter of representation was received though this was out of time, though the matters raised in the objection were also raised by Ashley and Broomhill Community Council (Impact on traffic and pollution from the proposed works) and as such can be taken into account.

PLANNING POLICY

Aberdeen Local Development Plan (ALDP)

H1 – Residential Areas

Within existing residential areas, proposals for non-residential uses will be refused unless:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

T2 – Managing the Transport Impact of Development

Maximum car parking standards are set out in Transport and Accessibility Supplementary Guidance, detailing the standards that development should provide.

Supplementary Guidance

The Council's Supplementary Guidance – Transport and Accessibility (SG) is a material consideration in this instance.

Proposed Aberdeen Local Development Plan

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2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

T2 – Managing the Transport Impact of Development`

Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance.

The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation.

Further information is contained in the relevant Supplementary Guidance which should be read in conjunction with this 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.

The main issues in this instance relate to the principle of the change of use and the capacity of the site to accommodate the proposed change of use.

Principle

The existing use of the building falls within Use Class 5 (General Industrial), with the recent use for Car Valeting falling within this class, along with the use prior to this for Car Repairs. The surrounding area is zoned for residential uses within the ALDP and point 2 of the Community Council response is noted. Associated policy H1 of the ALDP creates a presumption in favour of residential uses, though

where non-residential uses are proposed, these should be complementary to the residential use or not conflict/cause nuisance to the enjoyment of existing residential amenity.

In this instance, there is an established use as a result of the existing activity within the site (garage/car valeting). The proposals seek to operate the business for car repairs, which if it were carried out in its own right would not require a change of use consent as it falls within the use class of the existing activity. However, the applicant is also seeking to operate car hire from the premises, which falls within its own use class (Sui Generis), hence the need for this application.

The introduction of car hire is the main consideration in this instance, and its capacity to be accommodated within the site alongside Use Class 5. Car hire by its own right would have a number of vehicle movements associated with it, and when compared to car repair would have less of an impact on the amenity of neighbouring properties (noise, fumes etc.). However it would also result in noise and activity, although this would be on a lesser scale.

Capacity of Site

Policy T2 of the ALDP requires all new development to demonstrate that sufficient measures have been taken to minimise traffic, whilst also requiring development to accord with car parking standards. Parking standards are defined within the SG.

The applicant's car hire business would involve the leasing of 10 cars, though the supporting statement identifies that vehicles would be out for hire at the majority of the time. In determining the application, a "worst case" scenario should be applied – i.e. all 10 cars would be on site. Parking also needs to be provided in for the car repair element of the proposed use in line with standards. The concerns raised by the Community Council (points 3, 4, 5 and 9 above) are noted.

In this instance, the applicant has indicated 10 parking spaces for the car hire element of the proposals, though has not provided any other parking (for staff, car repair etc.). The parking provision identified for the 10 hire cars is not acceptable, providing no manoeuvrability within the site. The shortfall of parking could result in cars parking on the surrounding streets. The Council's Roads Projects team have identified that the two proposed uses would be unmanageable without the surrounding streets having to accommodate the overspill of parking. The area is currently at capacity with regard to on street parking and volumes of traffic, and as such it is considered the proposed development could add to the problem, having an adverse impact on road safety and the general amenity of the surrounding area.

Taking account of the above considerations, it is considered that the parking provision (layout and shortfall) are unacceptable for the proposed mixed use. The Council's Roads Projects team have concerns about the impact of the proposed use on the surrounding road network, and as such have recommended the application be refused on this basis. The intensified use would result in an adverse impact on the amenity of the neighbouring residential area, contrary to the requirements of policy H1 – Residential Areas of the Aberdeen Local Development Plan 2012.

Matters Raised By Community Council/Objection

In respect of the matters raised by the Community Council in their objection, the applicant does not operate a body shop/car spraying from their current premises, therefore the matter raised in point 1 is irrelevant. Notwithstanding this, the applicant could carry out body repair work within the current use of the building without the need for consent.

Relating to concerns about pollution (noise, fumes etc.) as raised in points 6, 7, 8 and 10 of the representations section, the use of the building for car repairs is currently established under the consented use. Whilst the planning process can to some degree control these matters, other legislation exists controlling these matters where planning cannot (e.g. environmental health).

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 relevant policies and designations within the Proposed ALDP are not dissimilar to those within the adopted ALDP.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposed change of use to a mixed use of car repair and car hire fails to provide sufficient useable parking on site, contrary to the requirements of policy T2 – Managing the Transport Impact of Development of the Aberdeen Local Development Plan 2012 and the parking standards contained within the Council's Supplementary Guidance – Transport and Accessibility. The proposals would also harm the amenity of the surrounding residential area, contrary to the requirements of policy H1 – Residential Areas. The change of use would also be contrary to the requirements of policies T2 – Managing the Impact of Development and H1 – Residential Areas of the Proposed Aberdeen Local Development Plan. There are no material considerations that would alter this assessment.