

`Signed (authorised Officer(s)):

19-25 INVERURIE ROAD, BUCKSBURN

CHANGE OF USE AT GROUND AND 1ST FLOOR FROM CLASS 2 TO FORM 2NO. FLATTED PROPERTIES. FIRST FLOOR EXTENSION AND FORMATION OF NEW ENTRANCE TO BUILDING.

For: Cater Corporation

Application Type : Detailed Planning Permission

Application Ref. : P150240

Application Date : 13/02/2015

Advert :

Advertised on :

Officer : Jane Forbes

Creation Date : 9 April 2015

Ward: Dyce/Bucksburn/Danestone(B
Crockett/G Lawrence/N MacGregor/G
Samarai)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site lies on the south side of Inverurie Road, opposite its junction with Oldmeldrum Road to the north, and comprises 2 adjoining, semi-detached properties (19/21 & 23/25 Inverurie Road), which front directly onto the pavement. These properties formed part of the City Council's Bucksburn office, and following a period of lying vacant, are currently undergoing alteration/extension work following conditional planning consent being granted for change of use and conversion to restaurant/flat/office use. Both buildings are of traditional appearance and feature a pitched slated roof, front and rear dormer windows and a harled finish. The combined floorspace of both properties is approximately 300m² (183m² at No. 19/21 & 114m² at No. 23/25) within sites which extend to 390m² & 296m² respectively. The rear gardens have a drop in ground level between their rear (southern) boundaries and the rear building lines, and are fully enclosed by means of traditional rubble walls.

To the east of the application site, and separated from the neighbouring property at No. 19/21 Inverurie Road by a 1 metre wide path, is a 1½ storey building comprising two flats (15 and 17 Inverurie Road), where the front and rear building lines match those of the application premises. To the west is a 1½ storey building comprising two flats (27 and 29 Inverurie Road) which are set back from

the front building line of No. 23/25 by approximately 8.5m. To the south (rear) is a playing field associated with Bucksburn Primary School.

The surrounding area, which is dominated by Inverurie Road (A96 trunk road), is characterised by a mix of residential properties and local services, and designated as a Neighbourhood Centre within the Local Development Plan.

RELEVANT HISTORY

19/21 Inverurie Road:

Ref 13/1580 – Planning application for alterations and extension to ground floor office and change of use to part ground floor and 1st floor and 2 storey extension to form 3 no. flats was refused by delegated powers on 4 April 2014.

A request to review the decision was submitted on 25 April 2014, and undertaken by the Local Review Body on 27 May 2014, where the decision to refuse the application was upheld.

Ref 14/0811 – Planning application for alterations and extension to office at ground floor and change of use to part ground floor and 1st floor and single storey extension to form Flats (3 No). Conditional consent granted on 22 August 2014.

23/25 Inverurie Road:

Ref 12/0751 – Planning application for alterations, extensions and change of use to form restaurant/café to existing premises. Conditional consent granted on 8 November 2012.

This planning application was granted subject to a number of conditions relating to: filtration/extraction; noise and mitigation; refuse storage; opening hours; outside dining; and takeaway operation.

An appeal against the last condition (restricting takeaway operation) was allowed on 6 February 2013 which varied the wording to allow take-away but only as a home-delivery service, with no orders taken other than by phone and no hot food collection allowed for customers.

Ref 13/1440 – Planning application for alterations and extension to restaurant and extension to form flat, for the express use of staff/owners of restaurant. Conditional consent granted on 10 February 2014.

PROPOSAL

Detailed planning permission is sought as follows:

- Change of use from office accommodation at ground floor level within No 19/21 Inverurie Road to form a 1 bed flatted property.
- Change of use from office accommodation at 1st floor level within No 23/25 Inverurie Road to form a 2 bed flatted property.

- Erection of a 1st floor extension to the previously approved single storey rear extension at 19/21 Inverurie Road, to provide additional floorspace to the 2 no 1st floor flatted properties. The proposed extension would project 6.8 metres from the existing rear building line and extend across the full width of the site. The proposal would comprise a flat roofed extension to the rear which would lie at 1 metre below the existing ridge level, at a height of 5.8 metres, with a staggered building and roof line along the east elevation. The rear roof elevation would slope down to eaves level and incorporate 3 no. flat-roofed dormer windows.
- The proposal would include opening up the existing ground floor window to the front (north) of the property at No 23/25, and introducing a new door opening and window layout to provide access to the restaurant.
- External materials would include walls finished in grey roughcast harling, natural slates, white timber fascias and windows.

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.=150240>

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

CONSULTATIONS

Roads Development Management – Raised no objection. Requested additional information in relation to waste collection and provision of an amended drawing demonstrating appropriate cycle parking provision for the site.

Environmental Health - No observations.

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

Community Council – No response received.

REPRESENTATIONS

No representations have been received.

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1 (Architecture and Placemaking) - Ensures that high standards of design are achieved by assessing proposals against a number of considerations, including context, to ensure that the setting of the proposed development and its design is acceptable.

Policy D2 (Design and Amenity) - Outlines a number of considerations which shall be taken into account when assessing planning applications in the interests of amenity considerations, mainly relating to residential proposals.

Policy H1(Residential Areas) - Within existing residential areas proposals for new residential development will be approved in principle if it:

- does not constitute over development;

- does not have an unacceptable impact on the character or amenity of the surrounding area;
- complies with Supplementary Guidance on House Extensions (Householder Development).

Policy T2 (Managing the Transport Impact of Development) - New developments should demonstrate that sufficient measures have been taken to minimise traffic generation.

RT3 (Town, District and Neighbourhood Centres) – Relates primarily to proposals for changes of use from retail to other uses.

Supplementary Guidance

- Harmony of Uses
- Householder Development

Proposed Aberdeen Local Development Plan (2016)

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

Policy NC6 – Town, District, Neighbourhood and Commercial Centres (*RT3 - Town, District and Neighbourhood Centres*)

H1 – Residential Areas (*H1 – Residential Areas*)

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking*)

T2 - Managing the Transport Impact of Development (*T2 - Managing the Transport Impact of Development*)

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 Residential Use

The application premises have previously operated as office accommodation, and this proposal seeks a change of use to residential. Given that the application site lies within an area zoned under Policy H1 (Residential Areas) in the Aberdeen Local Development Plan, the general principle of residential development would be considered appropriate in this instance. However, the detailed proposal must be assessed against other criteria under Policy H1, as well as all other relevant policies and guidance.

The application site lies within the Bucksburn Neighbourhood Centre, where Policy RT3 (Town, District and Neighbourhood Centres) would restrict any change of use from retail to non-retail use, however, this policy would not apply in

this instance given that the previous use of both No's 19/21 and 23/25 Inverurie Road was as an area office for Aberdeen City Council.

Design and Scale of Development

In terms of assessing the proposal against Policy D1 (Architecture and Placemaking), the design of the proposed alterations to the door/window openings at No 23/25 and the 1st floor extension at No 19/21 are considered within the context of the site and surrounding area, where the aim is to secure a positive contribution to the setting. Factors such as siting, scale, massing, colour, materials and orientation are amongst those considered in assessing such contribution. In this instance, and taking full account of the neighbouring properties, whilst the alterations to the frontage of the building at No 23/25 would be considered appropriate and in-keeping with the style of shop-front of several nearby properties, it is considered that the scale and massing of the 1st floor extension proposed for No 19/21 is inappropriate. The development would project a total of 6.8 metres from the original rear building line of the property, with 4 metres of that projection reaching a height of between 5.1 and 5.8 metres, with the remaining 2.8 metres, which incorporates the rear dormer extension, dropping down to an eaves height of 3 metres along the rear elevation. The massing created as a result of the proposed extension along both gable ends of the property would be significant, and whilst it is acknowledged that the projection itself would raise less issues along the western elevation, with the previously approved extension to the neighbouring property at No 23/25 Inverurie Road already projecting 13 metres, albeit at a distance of 1 metre off the boundary, this extension would have a particularly adverse impact on the neighbouring ground floor flat at No 15/17 Inverurie Road, due to the overbearing nature of development along the eastern elevation.

Although consent was previously granted for a 2 storey rear extension at No 23/25 Inverurie Road, this was on the basis that both No 19/21 and No 23/25 were under the same ownership and the proposal was for a flat-roofed development which would be largely screened from public view. In addition to this, the proposed development faced onto the blank gable of the neighbouring property to the west, which was also stepped back within its feu, and as such any likelihood of adverse impact on amenity was very much reduced.

Privacy, Residential Amenity, Daylight and Sunlight

It is considered that the proposal is largely compliant with Policy D2 (Design and Amenity), in terms of actually providing an appropriate level of amenity for the future residents of the new development. The proposal would provide internal access, by means of a shared entrance hall, to the fully enclosed rear garden for the 3 no. flatted properties at No 19/21. Access would also be available to the rear garden at No 23/25, via a private lane which runs the length of the western boundary of the site. Although only 4 of the 5 proposed flats allow for a public face to Inverurie Road, and a 'private' face to the enclosed rear gardens, the single flat which has no 'private' face fronts onto Inverurie Road, however given

that it lies at 1st floor level, it would secure an acceptable level of privacy. So whilst the level of amenity secured for the actual development itself may be largely acceptable, the impact of the proposal on the amenity of neighbouring properties is of significant concern.

Aberdeen City Council's Supplementary Guidance on Householder Development outlines general design principles for development, and states that amenity should not be borrowed from an adjacent property as a result of an extension or alteration, and any significant adverse impact on privacy, daylight and general residential amenity would count against such a development proposal. Although this guidance relates to householder development, such principles are clearly applicable in this instance given the residential nature of the neighbouring property and that of the proposal which seeks to create flatted properties at ground and 1st floor level.

In order to establish the impact which the proposal would have on daylighting to the neighbouring ground floor flat to the east of the application site, a calculation has been undertaken applying the 45° assessment method, as laid out in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice'. The 45° assessment undertaken on both elevational and plan views show the proposed development works would have an adverse impact on daylighting to the window located closest to the western boundary of the neighbouring ground floor flat at No 15/17 Inverurie Road.

The proposal would similarly have an adverse impact on sunlight to the rear garden of the neighbouring property at No 15/17 Inverurie Road. Whilst the orientation of the rear building lines along this stretch of Inverurie Road is due south, as a result of the height and depth of projection of the proposed development which would be located immediately to the west of No 15/17 Inverurie Road, the impact of the development on this neighbouring property in relation to the level of sunlight reaching both the rear elevation and the garden ground adjacent to the property would be considerable, and particularly so during winter months.

To summarise, and taking into account the drop in ground levels from south to north within the rear gardens of these properties along Inverurie Road, it is apparent that the introduction of a significant height and massing of development along the eastern boundary of the application site would have a significant impact on both daylight and sunlight to the neighbouring property at No 15/17. As such, the proposal would be deemed contrary to both Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking).

Harmony of Uses

The proposed development has been assessed against the Council's Supplementary Guidance on Harmony of Uses, and specifically in terms of 'Living/Working Above or Below a Business'. The proposal would see the

introduction of a 2nd residential unit at 1st floor level at No 23/25 Inverurie Road, and above the previously approved restaurant. The principle of such a mix of uses at this address had already been established under the original application which saw the introduction of a flatted property within a new 1st floor extension above the restaurant kitchen. This current application would see the introduction of residential accommodation within an area previously approved for restaurant use, and would include the creation of a new entrance to the ground floor restaurant, thereby allowing for the existing entrance to be retained solely for use by residents of the 1st floor flats. Taking all of this into account, it is considered that the proposal would be suitably compliant with the aforementioned guidance.

Transport and accessibility

The Roads Development Management Team has raised no objection to the proposals which, in relation to what has previously been granted consent, would see a reduction in the restaurant floorspace and an increase in residential accommodation across the site. Whilst the provision of additional detail was sought on secure cycle parking and refuse collection facilities for the site, it was accepted that the application site had no parking provision, and therefore the assessment and subsequent comments were based on the availability of on-street parking within relative close proximity to the site, a public car park on Station Road approximately 90m to the north which provides 43 spaces, and the high level of public transport operating along Inverurie Road, with bus stops at a distance of approximately 170 metres from the site. On this basis, the proposal was deemed to be sufficiently compliant with Policy T2 (Managing the Transport Impact of Development) and with the relevant supplementary guidance.

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 are reiterated in the proposed plan without any substantive changes.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposal is deemed acceptable in terms of Policy RT3 (Town, District and Neighbourhood Centres) and Policy T2 (Managing Transport Impact of Development). However, if approved, the proposed development would be contrary to Policy D1 (Architecture and Placemaking) and Policy D2 (Design and Amenity) of Aberdeen Local Development Plan, in addition to the supplementary guidance on Householder Development, due to the inappropriate design of the extension and its resulting relationship with the neighbouring building; the overly dominant scale of development proposed; and the resulting adverse impact of such development on existing residential amenity.