

Signed (authorised Officer(s)):

21A FARBURN TERRACE, DYCE

EXTENSION TO EXISTING MOT TEST CENTRE.

For: Farburn Motors

Application Type : Detailed Planning Permission

Application Ref. : P150141

Application Date : 02/02/2015

Advert :

Advertised on :

Officer : Grace Harrison

Creation Date : 27 February 2015

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

Community Council: No response received

## **RECOMMENDATION:**

### **Refuse**

### **DESCRIPTION**

The site is located on the north eastern side of Farburn Terrace and is currently occupied by a commercial garage, offering car repair and servicing. It is bounded by car parking for the business to the east, commercial uses to the north and south and residential properties to the west. The existing buildings are single-storey and of modern design, consisting of three workshops and an ancillary office.

### **RELEVANT HISTORY**

**P842404**- An application for an extension to the garage, to provide an additional floor area of approximately 90 square metres, was approved on 5 December 1985.

**P911377**- An application for a further extension and alterations to the garage was approved on 24 October 1991.

### **PROPOSAL**

The proposal is to erect an extension to the front (southern elevation) of the existing garage, to create additional workshop space for vehicle servicing, etc. The extension would be 14.6m wide, 4.9m high and 8.5m deep, providing a further 136m<sup>2</sup> of floor space. To the west, it would extend 3.4m past the current

building line and a slightly smaller projection of 1.2m from the east. The principal elevation would feature two electronically operated garage doors, which open onto the existing yard, of 4m and 3m wide respectively, and a staff access door. The extension would see composite cladding on a steel frame, roofed with insulated panels.

### **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.=150141>

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

### **CONSULTATIONS**

**Roads Projects Team** – No observations.

**Environmental Health** – The area does not currently enjoy a high level of amenity, and there is already disturbance from noise sources. Although we consider that the likelihood of nuisance caused by the proposals would not be significantly increased, the primary objective must be the protection of the public and therefore it is prudent to take a precautionary approach. The recommendation to refuse the application is supported.

**Communities, Housing and Infrastructure (Flooding)** – No observations.

**Community Council** – No response received.

**Aberdeen International Airport** – Proposal may fall within the dbLEQ contour and will be subjected to aircraft noise during the day and night.

### **REPRESENTATIONS**

Three separate letters of objection have been received; all relate to the impact of the proposals on the neighbouring house (21 Farburn Terrace) and raise the following matters:

- The height of the proposals would make the house feel as though it is enclosed by industrial development, and would lead to a loss of natural light;
- The proximity of the operations already causes nuisances including: fumes, lack of privacy, bad language used by staff and cars parked directly in front of windows. The new extension would increase these impacts; and
- The site is too small to accommodate this additional development, and would reduce the amount of yard and parking space available for the business.

### **PLANNING POLICY**

#### **Aberdeen Local Development Plan**

##### H2 – Mixed Use Areas

Development or change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area, and avoid undue conflict with the adjacent land uses and amenity. Where new industrial, business or

commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.

#### D1 – Architecture and Placemaking

Policy D1 states that development must be designed with due consideration for its context and make a positive contribution to its setting. Key factors in assessing proposals are siting, scale, massing, colour, materials, orientation, and details.

#### H8 – Housing and Aberdeen Airport

Applications for residential development under or in the vicinity of aircraft flight paths where the noise levels are in excess of 57dB LAeq (using the summer 16-hour dB LAeq measurement) will be refused, due to the inability to create an appropriate level of residential amenity, and to safeguard the future operation of Aberdeen Airport.

### **Proposed Aberdeen Local Development Plan**

The following policies substantively reiterate those included in the adopted 2012 Local Development Plan:

- H2 – Mixed Use Areas (see Policy H2 – Mixed Use Areas in adopted LDP)
- D1 – Quality Placemaking by Design (see Policy D1 – Architecture and Placemaking in adopted LDP)
- B4 – Aberdeen Airport (see Policy H8 – Housing and Aberdeen Airport in adopted LDP)

### **Supplementary Guidance**

#### Harmony of Uses

This covers mixed-use issues within and outwith the City Centre, providing guidance on issues that need to be addressed when a proposal has the potential to conflict with neighbouring land uses. Although it principally concerns hot food takeaways, cafes, liquor licensed premises and amusement arcades, the principles relate well to the issues required to be assessed in this application.

### **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.

#### Principle of Development in a Mixed Use Area

The site is located within a Mixed Use area, as set out in the Local Development Plan and the wider Farburn Terrace area is characterised by a mix of residential,

commercial and industrial uses in close proximity. Policy H2 (Mixed Use Areas) states that new commercial development within these areas is acceptable in principle, provided it does not adversely affect the amenity of people living therein.

The existing Farburn Motors business has been in operation for over 30 years and therefore the principle of a garage in this location is well established. Furthermore, previous planning applications show that the garage has been subject to previous extensions which have resulted in incremental expansion. In terms of Policy H2, what needs to be assessed is whether and how the proposed new extension will impact on the amenity of the residents of the neighbouring house at 21 Farburn Terrace.

#### Impact on Residential Amenity

It is acknowledged that the operation of the garage, as it currently stands, has a negative impact on the residential amenity of 21 Farburn Terrace. Matters raised in representations relate to the nuisance caused by noise, fumes and lack of privacy during working hours. However, these impacts already exist. What now must be considered is whether these impacts would be significantly increased as a result of the extension, and whether any new negative impacts would arise.

The side (eastern) elevation of the dwelling at 21 Farburn Terrace abuts the garage's car park and yard area with no intervening screening. The house has four windows on this elevation, facing directly onto the yard. These windows open into habitable rooms on the ground floor (the kitchen) and first floor (bedrooms). Habitable rooms are defined in the Householder Development Supplementary Guidance as any room designed for living, eating or sleeping.

It is considered that the proximity and position of the proposed extension, in relation to 21 Farburn Terrace, would result in a significant additional loss of privacy for the occupants. The workshop entrance would be on the same level as the ground floor windows, positioned at right angles, with no screening. This means there would be direct lines of sight from the entrance of the garage, where people would be expected to be working continuously during working hours, into the house's side windows, which open into habitable rooms (kitchen and bedroom). At its nearest point, the extension would be 2m from the closest part of the house.

It is also considered that the proximity of the extension would also result in significantly increased levels of nuisance for the occupants of the house, over and above what is already experienced. Nuisance would be caused by the noise, smell and fumes generated by the vehicle servicing and repair work carried on in the new workshop, which would be much closer to the windows that at present.

Calculations show that there would be no loss of natural daylight to 21 Farburn Terrace as a result of the proposals. However, owing to its orientation, height and

proximity, the extension would lead to a significantly heightened sense of enclosure, or an 'overbearing' feeling of being 'blocked in', for the residents of 21 Farburn Terrace, particularly when using the rooms with windows on the eastern elevation.

For these reasons, it is considered that the proposed extension would have a significant further negative impact on the residential amenity of 21 Farburn Terrace, over and above the restricted level that which is already experienced as a result of the operation of the existing garage. Therefore, the proposals are in conflict with Policy H2, which states that new development in Mixed Use areas should not adversely affect the amenity of people living in the area.

#### Visual Amenity

The scale, siting, design and materials of the proposed extension would be in-keeping with the existing commercial buildings on the site, as well as the wider area which is characterised by buildings of mixed use, similar quality and character. It is considered that the extension would make a positive contribution to the area, improving the overall appearance of the garage from Farburn Terrace and surrounding public areas. Therefore, the proposals are in accordance with Policy D1.

#### Parking

The extension would result in a loss of some space in front of the garage. However, this would not result in any significant overspill parking on surrounding streets, because this area is primarily used for access into the existing garage only and no parking would be lost. The Roads projects team has no objection to the proposal.

#### Noise from Aberdeen Airport

In relation to the issue of noise from Aberdeen Airport, Policy H8 relates principally to safeguarding residential amenity from aircraft noise and is therefore not considered relevant to this application, which is for an extension to an existing Class 4 (Business) use.

#### 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 following relevant policies in the Proposed Local Development Plan substantively reiterate those contained in the adopted LDP:

- Policy H2 – Mixed Use Areas (see Policy H2 – Mixed Use Areas)
- Policy D1 – Quality Placemaking by Design (see policy D1 – Architecture and Placemaking)

### Conclusion

It is considered that these proposals are unacceptable when considered against Policy H2 in the Local Development Plan. As the erection of the proposed extension would have a significant negative impact on the residential amenity of 21 Farburn Terrace, through: a loss of privacy and amenity; increased nuisance; and a heightened sense of enclosure or being 'blocked in' by commercial uses.

Although the extension is likely to improve the overall appearance of the property from Farburn Terrace, in compliance with Policy D1, this factor does not outweigh the proposals' negative impact on residential amenity and the conflict with Policy H2. The site is not prominent, being situated at the end of a cul-de-sac, meaning any positive visual benefit would not be significant for the wider area.

In this case, there are no other material planning considerations which would have a bearing on the acceptability of the proposals. Therefore they are recommended for refusal.

## **RECOMMENDATION**

### **Refuse**

## **REASONS FOR RECOMMENDATION**

These proposals are unacceptable when considered against Policy H2 of the Local Development Plan, which states that new development in Mixed Use Areas must not adversely affect the amenity of people living and working in the area. It is considered that the proximity and position of the proposed extension would have a significant negative impact on the residential amenity of the adjacent house at 21 Farburn Terrace, through loss of privacy, increased nuisance (noise, smell, fumes) and heightened sense of enclosure. It is acknowledged that some of these impacts already exist due to the current operation of the garage. However, they would be significantly increased as a result of the extension, to an unacceptable degree. For the same reason, the proposals are also unacceptable according to the relevant Policy H2 – Mixed Use Areas in the Proposed Aberdeen Local Development Plan.