

Planning Development Management Committee Detailed Planning Permission

161317/DPP: Change of Use from office (Class 4) to retail (Class 1) at 2
Desswood Place, Aberdeen, AB25 2DH,

For: Clear Well Subsea Pension Scheme

Application Date:	13 September 2016
Officer:	Sepideh Hajisoltani
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Rosemount And Mile End



RECOMMENDATION: Approve Conditionally

SITE DESCRIPTION

The application site is located to the north west of Whitehall Road and Desswood Place junction and is located within Albyn and Rubislaw Conservation Area. The area is characterised by traditional residential properties. There is a café/ Giftshop (Tree House) and a grocery store on the other side of the road to the south west of the junction and a nursery further down. The application site is currently occupied by Clear Well Subsea (an oil service consultant) as an office space.

RELEVANT HISTORY

Detailed planning permission (161316/DPP) for an identical development (change of use from class 4 to class 1) has been submitted in September 2016 for 13 Whitehall Road (Adjacent unit to the north of the application site) and is yet to be determined.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for a change of use from the existing office space to class 1 (retail).

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

CONSULTATIONS

ACC - Roads Development Management Team – No objection.

ACC - Environmental Health – No observations.

Community Council - No comments received.

REPRESENTATIONS

13 letters of representation have been received (12 objections and 1 in support), raising the following matters –

Objections:

1. The proposal would create severe shortfall of parking space for local residents and would have an impact on traffic managements in the area;
2. There is an existing problem with illegal parking in the area;
3. The proposal would be a hazard for pedestrian and road users. Obstruction to the pavement would limit motorist's vision along Desswood place.
4. A similar proposal for the cafe at 1 Desswood place has created parking issues for the local neighbours. There are also concerns over the waste management for the existing cafe.
5. The proposed retail use is not complementary to the residential use and it will conflict the residential use of the area.
6. The consent would allow other types of retail use in the future and the property may turn into a fast-food or a laundrette which may cause noise and smell nuisance and may attract late night customers. Cooking and preparation of food could damage original features of the building.
7. The majority of the neighbours would prefer the proposal not to be allowed.
8. The previous development as an office space created issues over use of courtyard, drainage and privacy at 2 Desswood Place.
9. There is no provision for storing recycling or waste materials at the premises.
10. There are other suitable areas in the city centre for the proposed use.
11. There should be limitations on delivery time, opening hour and types of use.

Support:

1. The application would be a potential enhancement to the neighbourhood and would be a more sustainable use of the premises;

2. The proposal will complement the adjacent businesses of Desswood stores.

REASON FOR REFFERAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there have been 12 objections to the application and as a result the application falls outwith the scope of the Council's Scheme of Delegation.

PLANNING POLICY

Historic Environment Scotland Policy Statement Scottish Planning Policy (SPP)

Aberdeen Local Development Plan

- Policy D5- Built Heritage
- Policy H1- Residential Areas

Proposed Aberdeen Local Development Plan

- Policy D4- Historic Environment
- Policy H1- Residential Areas

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

Policy D5- Built Heritage

The application site occupies an important site at the corner of Desswood Place and Whitehall Road and makes a positive contribution to the character of the area. Policy D5 states that proposals affecting conservation areas will only be permitted if they comply with Scottish Planning Policy. The proposal is for a change of use and no physical alterations have been proposed. It is considered that the proposal fully accords with the provision of this policy and would have no detrimental impact on the distinctive character of the conservation area.

Policy H1- Residential Areas

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

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

It should be noted that the application property is currently operating as a non-residential development and there has been an established pattern of non-residential use for the application site over the years. In terms of residential amenity it is considered that the proposed gift-shop would have no significant detrimental impact

on the enjoyment of the residential amenity within the surrounding area. Two conditions have been attached to this decision in regards to delivery time and operating hours to protect the residential amenity.

Other Matters Raised in Representations:

Objection 1 relates to the impact of the development on parking arrangements in the area. There has been no objection by the Council Road Project Team to the proposal and it is considered that the submitted proposal would raise no road safety issues.

Objection 2-4 relating to illegal parking and obstruction to the pavement and other developments in the area are not directly relevant to this planning application and as a result do not form part of this assessment.

Objection 5 relating to the proposed use and its impact on residential amenity is a material planning consideration and have been covered in the evaluation section of this report.

Objection 6 relates to the potential use of the retail unit in the future which may compromise the residential amenity of the surrounding area. It should be noted that the proposal is for a change of use to class 1 which is for retail sale of goods with no permitted change to any other class. Consultation response from the Environmental Team raised no concern over the proposed use. It is also noted that any future proposal that may raise any environmental health issues (including noise and smell) would be subjected to a planning permission.

Objection 7 relates to the existing use of the premises and non-material planning considerations including private issues between neighbours and accordingly are not relevant to this decision.

Objection 8 related to the provision for waste storage and collection plan. Following the receipt of the supporting statement from the candidate on existing plan, the Roads officer had no objection to the proposal.

Objection 9 relates to the other suitable sites for the proposed use. It is considered that each application is assessed on its own merit and the assessment focuses on the submitted application at this address.

Objection 10 relates to the limitations on the decision for protection of residential amenity. This has been considered in this assessment and two conditions are attached to this decision in regards to operating hours and delivery time.

Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee

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of 27 October 2015 and the Reporter has now reported back. The proposed plan 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 comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporters response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP.

Approval to adopt the LDP will be sought at the Full Council meeting of 14 December 2016. The actual adoption date is likely to be around the third week in January 2017.

RECOMMENDATION: Approve Conditionally

REASONS FOR RECOMMENDATION

Subject to conditions the proposed change of use to retail space complies with Local Development Plan policy D5- Built Heritage and would have no significant detrimental impact on residential amenity in compliance with Policy H1- Residential Areas and equivalent policies in the Proposed Aberdeen Local Development Plan. The proposed development also complies with Historic Environment Scotland Policy Statement and would not have an adverse impact upon the character of the Conservation Area.

CONDITIONS

1. that the Class 1 unit hereby approved shall not be open for business outwith the hours of 0900 and 1730, Monday to Friday - in order to ensure that an adequate provision of off-street parking is afforded to adjacent residential flats.
2. that, except as the Planning Authority may otherwise agree in writing, no deliveries shall take place outside working hours.

Reason: In the interest of the Residential Amenity.