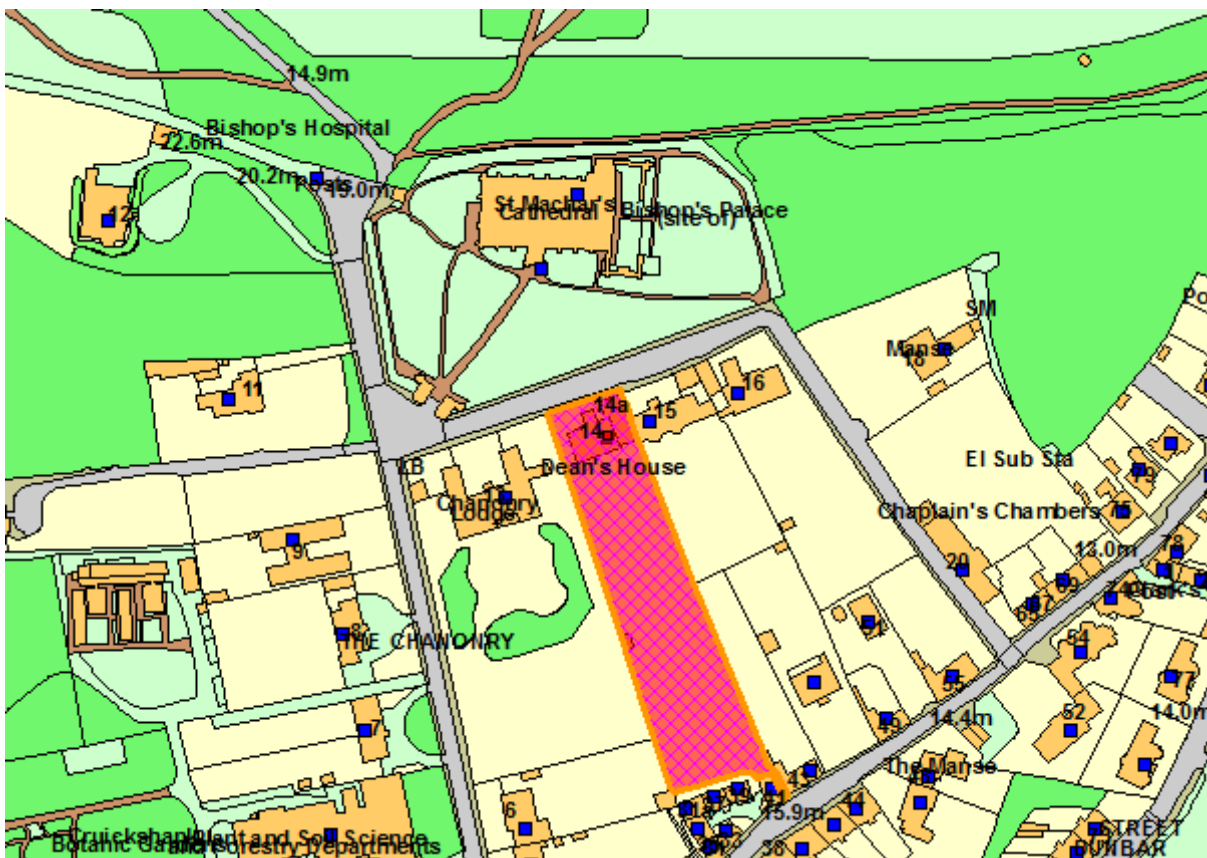


## Planning Development Management Committee Detailed Planning Permission

**161152/DPP:** Part change of use from class 9 (residential) to mixed use, associated to the Diocese of Aberdeen, incorporating: class 10 (activities associated to a religious body) at part of ground floor, and Class 4 (offices) at 2nd floor at 14 The Chanonry, Aberdeen, AB24 1RP

For: The RC Diocese of Aberdeen

Application Date:	8 August 2016
Officer:	Alex Ferguson
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Advertisement:	N/A
Advertised Date:	N/A



Location Plan

**RECOMMENDATION: Approve Conditionally**

## **SITE DESCRIPTION**

The property is a traditional 2½ storey detached granite and slate pitched-roof building situated on the southern side of the Chanonry, directly opposite St Machar's Cathedral to the north.

The original 18<sup>th</sup> Century section of the building (14 Chanonry) lies on an east/west axis and has a 19<sup>th</sup> Century addition (14A Chanonry) at its eastern end in the form of a 2½ storey front and side extension with gable-end facing north onto the street. Presumably previously in use as two separate dwellings, the two parts of the building have at some point been amalgamated into one large dwellinghouse, although both elements of the building are Category B-Listed in their own right.

The application site lies within the Old Aberdeen Conservation Area and the circa 3,800sqm plot incorporates a large rear garden area which extends over 100m to the south toward St Machar Drive. The surrounding area is predominantly residential in nature, bound to the east and west by large residential plots.

The property has a driveway accessed from the Chanonry in its north western corner. The driveway has space for 3 cars to be parked off-street, with 1 in front of the dwelling and 2 between the side of the building and the western boundary wall.

## **RELEVANT HISTORY**

161151/LBC – This listed building consent application for the change of use associated with the current planning application was withdrawn by the applicant after it was confirmed that the proposed works would not involve any physical alterations to the fabric of the listed building – the change of use element does not require listed building consent.

## **DESCRIPTION OF PROPOSAL**

The proposal is to convert four rooms on the third floor (in the roofspace) of the building to office rooms, as well as one room on the ground floor to a 'Parish Room', to be used in conjunction with the Diocese of Aberdeen. The Bishop of the Diocese would use the remainder of the building as his official residence.

The four rooms on the top floor would be used by 2 full-time staff, 2 part-time staff and 2 priests to carry out administrative tasks in support of the activities and functions of the Bishop and the Diocese. The Bishop is looking to relocate from his current residence at 3 Queen's Cross, where the staff are also currently based.

The Parish Room at ground floor level would host monthly talks for approximately 25 people and weekly Prayer groups, consisting of approximately 6-10 people.

## **SUPPORTING DOCUMENTS**

All drawings and supporting documents listed below can be viewed on the Council's website at [www.publicaccess.aberdeencity.gov.uk](http://www.publicaccess.aberdeencity.gov.uk).

- Supporting Statement

## REASON FOR REFERRAL TO COMMITTEE

The Old Aberdeen Community Council objected to the application unless certain criteria are applied – one of which (in relation to the provision of additional off-street car parking) is not proposed. Therefore, in accordance with the Council's Scheme of Delegation, as the Community Council has objected, the application has been referred to the Committee for determination. Furthermore, 14 letters of objection to the application were received from members of the public, which would have required the application to be determined by the Committee regardless of the Community Council objection.

## CONSULTATIONS

Consultee	Date of Comments	Comments Made
ACC - Roads Development Management Team	13 October 2016	<ul style="list-style-type: none"><li>• Based on part of the ground floor being used as class 10 space, 1 parking space is required. However, as the site is easy accessible via public transport (there is a bus stop across the road), and due to the site being within a CPZ this shortfall is acceptable.</li><li>• Based on the first floor comprising of a 3 bedroom dwelling 2 parking spaces are required. However, due to the sites continued use as dwelling, additional space requirements cannot be added retrospectively, therefore the shortfall is acceptable.</li><li>• Based on the estimated floor area of 170m<sup>2</sup> (measured using the scale on the floor plan drawing), 6 parking spaces are required to accommodate the second floor office. Again, due to the accessibility of the site, as well as the office staff likely working during the operational hours of the CPZ the shortfall is deemed acceptable.</li></ul> <p>No objection to the application.</p>
Old Aberdeen Community Council	12 September 2016	<p>OACC support the application provided that:</p> <ul style="list-style-type: none"><li>• Further car parking spaces would be provided within the grounds of the property;</li><li>• The application is not used as a</li></ul>

precedent to allow future applications to convert additional floor area of No. 14 Chanonry to Class 4 use;

- The application is not used as a precedent to allow future applications for the conversion of any other Chanonry property to Class 4 use; and
- The application may not be used as a precedent for converting the interior of the listed building in a manner which would detract from its use as a domestic property.

The OACC object to the proposals if all of the above criteria are not applied to any recommendation to grant consent.

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## REPRESENTATIONS

16 letters of representation were received. 14 of the letters state objections to the application, while two are in support of the proposals, provided the change of use would only apply to certain parts of the building and not set a precedent for the wholesale change of residential dwellings on the Chanonry for business use in the future. The concerns raised in the letters of objection can be summarised as follows:

- Inadequate off-street car parking provision would result in an increase in on-street parking in an already area already suffering from on-street parking congestion, thus having have a detrimental impact on the character and amenity of the area;
- The proposed change of use would have a detrimental impact on the character and amenity of the residential area by way of introducing a non-residential use to the property (and would thus be contrary to Policy H1 of the ALDP);
- The area is zoned as wholly residential and non-residential uses are not permitted;
- The proposals would have a detrimental impact on the character of the Old Aberdeen Conservation Area;
- The approval of the proposed change of use would set an undesirable precedent for further applications to be approved on the street;
- The increased traffic pressure would be detrimental to road and pedestrian safety;
- The development would pose a threat to the preservation of the key characteristics of The Chanonry, as outlined in the City Council's Old Aberdeen Conservation Area Character Appraisal;
- The site notice erected outside the application property contained an incorrect description;

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- Proposals for a part change of use elsewhere on the Chanonry have been refused planning permission in the past (7 Chanonry in 1987);
- The use of the property as a Bishop's residence would increase visitor numbers and events would occur at weekends and evenings.
- The proposals would be contrary to Policies D3 (Sustainable and Active Travel and T2 (Managing the Transport Impact of Development) as no measures such as encouraging the use of alternatives to car travel have been proposed;
- There is a title deed restriction for all properties on the Chanonry which prevents any property on the street being used for any purpose other than as a residential dwelling.

## PLANNING POLICY

### Scottish Planning Policy (SPP)

### Historic Environment Scotland Policy Statement (HESPS)

### Aberdeen Local Development Plan 2012 (ALDP)

- Policy H1 (Residential Areas)
- Policy D5 (Built Heritage)
- Policy D3 (Sustainable and Active Travel)
- Policy T2 (Managing the Transport Impact of Development)

### Proposed Aberdeen Local Development Plan (PALDP)

- Policy H1 (Residential Areas)
- Policy D4 (Historic Environment)
- Policy T2 (Managing the Transport impact of Development)
- Policy T3 (Sustainable and Active Travel)

### Old Aberdeen Conservation Area Character Appraisal

### Supplementary Guidance – Transport and Accessibility

## 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 Context

The application site lies within a residential area, as zoned in the Adopted Aberdeen Local Development Plan (ALDP). Policy H1 (Residential Areas) of the Adopted ALDP states that:

*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.*

The site also lies within the Old Aberdeen Conservation Area and as such, any development in this area also requires to be assessed against Policy D5 (Built Heritage) of the ALDP. Policy D5 requires development within conservation areas to comply with Scottish Planning Policy and in doing so, such proposals must either preserve or enhance the character and appearance of the conservation area.

It is therefore considered that main factors in assessing the appropriateness of the proposed part change of use of the building for office (Class 4) and religious activities associated to a religious body (Class 10) is acceptable, are whether the proposed development would have a detrimental impact on the character or amenity of the residential area, or upon the character or appearance of the Old Aberdeen Conservation Area.

#### Impact on the character and amenity of the area

It is important to note that the proposed use of the rooms at the top floor of the building as office space would not constitute an office in a traditional sense as it would not form a separate planning unit from the remainder of the dwelling and would be used on a small scale, associated with the functions of the resident Bishop. It is considered that given the office space would be wholly contained within the existing unit and could only be accessed via the remainder of the house, the potential for this space to be used in future by a more intensified, traditional Class 4 office occupant, separate to the principal residential function of the building is minimal, as significant physical alterations would be required which would need listed building consent and planning permission. Whilst the conversion of a whole residential building to an office, or the creation of a self-contained, separate office unit within the curtilage of such a property would not likely be supported, it is considered in this instance that the circumstances of the office space and how it would be used would not have a detrimental impact on the character or amenity of the area.

The applicant has confirmed that there are two full-time staff likely to be using the office space, as well as two part-time staff and two priests, on occasion. Office use itself would not have a detrimental impact on the amenity of the area by way of noise emissions or other such disturbances to neighbouring properties, although it is acknowledged that an increase in the number of people visiting the property could have an impact on the residential character of the area. Whilst the low number of staff using the office space is not likely to have any significant impact in this regard, the change of use of one of the ground floor rooms to allow for gatherings incidental to the functions of the Bishop and the Diocese would increase visitor numbers to the property.

The applicant has confirmed in the supporting statement that they envisage social and evening functions taking place at the property, with the larger social functions taking place on an infrequent basis (approximately twice a year). These functions concern the wider use of the property than just the ground floor Parish Room

proposed and could be carried out by any resident in their own home without requiring planning consent. As such, it is not considered that these events are a material planning consideration in the determination of this application.

Smaller more frequent events are proposed however which would likely take place in the designated Parish Room. These would include monthly talks (average attendance of approximately 25) and weekly Prayer Groups (average attendance of 6-10 people). The increased number of visitors to the property would have some impact on the nature of the street. However, unlike a solely residential street where such visitor numbers may be immediately noticeable and therefore alter the character of the area, it is important to note the high frequency of footfall on the street from visitors to the adjacent St Machar Cathedral and Seaton Park. Regular visitors and passers-by form part of the character of the area and it is considered that the proposed office space and Parish Room would be of a sufficiently small scale and of a nature associated to the principal residential function to ensure that they would not have a significant detrimental impact on either the character or amenity of the area, in accordance with Policy H1 (Residential Areas) of the ALDP.

#### Impact on the character and appearance of the conservation area

This application seeks consent for the part change of use of sections of the building only and no external alterations to either the building or the wider property are proposed. Therefore, it is considered that the proposed development would preserve the appearance of the conservation area, in accordance with Scottish Planning Policy. It is, however, accepted that whilst not involving any physical alterations, the use of a building can contribute to the character of a conservation area, if not its appearance.

Aside from the office space, the proposed Parish Room at ground floor level would be used for a variety of functions in relation to the Bishop's activities, as mentioned previously. The size of the dwellings and associated plots of the majority of the properties on Chanonry are considerably larger than that of a typical dwellinghouse and as such, social gatherings would be easier to accommodate within such a plot without having significant detriment to the area. Furthermore, St Machar Cathedral is a major tourist attraction for Aberdeen and it sits directly opposite the application site, with the popular Seaton Park just beyond. The result is a street with a high footfall, frequented by visitors and passers-by on a daily basis, year round. Therefore, although the majority of the properties on the street are residential in nature, it is considered that the amount of floorspace within the building proposed to be used as office space and a parish room associated with the resident's work would be of a sufficiently small scale to ensure that the increased intensity of activity would not be significant enough to impact detrimentally upon, or alter the character of, the conservation area.

Subject to conditions, the proposed development is therefore considered to preserve both the character and appearance of the conservation area, in accordance with the general principles of Scottish Planning Policy and thus by default, Policy D5 (Built Heritage) of the Adopted Aberdeen Local Development Plan.

#### Impact on the character of the listed building

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The proposed part-change of use does not involve any physical alterations to the fabric of the listed building and it is not considered that the proposals would have any detrimental impact on the special character of the listed building, nor upon its setting. Any future proposals to carry out physical works to the building would require listed building consent.

### Conditions

In order to ensure that the office use of the top floor of the building remains associated to the resident occupying the building and therefore of a suitably small scale and intensity so as not to have a detrimental impact on the character and amenity of the area, it is considered appropriate to attach conditions which restrict the use of the office space to the rooms identified in the approved drawings and also to restrict the use of the office space to be ancillary to the functions of the applicant, the Roman Catholic Diocese of Aberdeen.

Whilst personalised conditions restricting the use of a building (or part thereof) are not normally used, it is considered necessary in this instance to attach such a condition as the specific details pertaining to the applicant's requirements ensure that the intensity of the use would be of an appropriate scale for this residential area. It is important that the planning authority retains a level of control over the use of the proposed office rooms in order that any future proposal by another party to intensify the office use would be assessed accordingly.

As no physical alterations are proposed either internally or externally, the top floor office space would only be accessed via the remainder of the dwelling and not via a separate access. This element is important in ensuring that the office space remains suitably associated to the functions of the resident. Whilst it may be usually be appropriate to add a condition which ensures that the office element remains within the same planning unit as the remainder of the dwelling, in this instance the application relates to a listed building and it would not be possible to separate the office space from the remainder of the dwelling without requiring further consent from the planning authority. Therefore, a suitable level of control is retained in this regard and it is not considered necessary to add a condition to this effect.

### Parking and sustainable methods of transport

The property at present has 3 off-street car parking spaces and is eligible for 2 on-street parking permits. The area lies within a Controlled Parking Zone (CPZ) and there is pay-and-display on-street car parking provision opposite the building and elsewhere on the Chanonry, adjacent to Seaton Park. The Roads Development Management Team has evaluated the proposed mixed-use development and considers that given the close proximity of the site to public transport links and the site being located within a CPZ, the level of parking available to the property at present is appropriate for the proposed development.

Policy D3 (Sustainable and Active Travel) of the ALDP requires new development to be designed in order to minimise travel by private car and to encourage active travel, whilst Policy T2 (Managing the Transport Impact of Development) requires new developments to demonstrate that sufficient measures have been taken to minimise traffic generated. Whilst such measures have not been proposed as part of the application, a condition has been attached requiring a suitable cycle parking facility



to be agreed upon and put in place prior to the occupation of the rooms in question, in order to encourage cycling and to reduce the amount of car journeys made to the address.

The number and frequency of visitors to the property is unlikely to be particularly high, especially for the office element and it is considered that the proximity of St Machar Drive to the application site would encourage the use of public and sustainable transport, that the amount of parking spaces available to the property is adequate and that the proposals would not have a significant impact on the existing on-street parking situation.

#### Concerns raised by the Old Aberdeen Community Council

The OACC stated their support for the proposals on the basis that the four conditions be met as part of any approval. The conditions can be assessed as follows:

- Further car parking spaces should be provided within the grounds of the property  
In accordance with the applicable ALDP policies and the Council's supplementary guidance, it was considered that the number of parking spaces available to the property (both on and off-street) is suitable for the proposed development. No additional off-street car parking spaces are proposed as part of this application and indeed, the formation of any additional spaces may have a detrimental impact on the character and appearance of the conservation area and the setting of the listed building. Additional spaces have therefore not been requested.
- The application is not used as a precedent to allow future applications to convert additional floor area of No. 14 Chanonry to Class 4 use  
The proposed development is considered to be acceptable due to the small scale of the proposed floor space and operations. A condition has been attached to any consent which restricts the change of use element to the rooms shown on the approved drawings.
- The application is not used as a precedent to allow future applications for the conversion of any other Chanonry property to Class 4 use  
It is considered that the circumstances in this application mean that the small scale office use, associated with the principal residential function of the building, wholly contained within the same planning unit at No. 14 Chanonry would be appropriate. Whilst every application is assessed on its own merits, it is considered that the conversion of a whole property on the Chanonry from residential to Class 4 office use would most likely not be appropriate and it is not considered that a precedent for such development would be set by the granting of consent in this instance.
- The application may not be used as a precedent for converting the interior of the listed building in a manner which would detract from its use as a domestic property  
No physical alterations to either the interior or exterior of the building are proposed, either as part of this application or any other planning/listed building consent application. Any future proposals for such would be assessed on their

own merits and any works deemed to have a detrimental impact on the character of the listed building would be unlikely to be supported by the Council.

Points raised in letters of objection

Concerns raised by objectors in relation to the following issues have been addressed in the foregoing evaluation:

- Inadequate off-street car parking provision;
- Impact on the character and amenity of the residential area by way of introducing a non-residential use;
- Impact on the character of the Old Aberdeen Conservation Area;
- Impact on pedestrian safety;
- The use of the property as a Bishop's residence would increase visitor numbers and events would occur at weekends and evenings.

The remaining concerns can be addressed as follows:

- The area is zoned as wholly residential and non-residential uses are not permitted  
The area is zoned in the Aberdeen Local Development Plan as a 'Residential Area' and is thus covered by Policy H1 (Residential Areas). Policy H1 supports non-residential uses in residential areas provided they are complementary to, or would not adversely affect the amenity of, the residential area.
- The approval of the proposed change of use would set an undesirable precedent for further applications to be approved on the street  
Each planning application is assessed on its own merits. The proposed change of use in this instance would allow for administration duties associated with the activities of the applicant to be carried out on a small scale, without diminishing the residential nature of the property or having detriment to the character or amenity of the area, in accordance with the relevant policies of the ALDP.
- The development would pose a threat to the preservation of the key characteristics of The Chanonry, as outlined in the City Council's Old Aberdeen Conservation Area Character Appraisal  
The Old Aberdeen Conservation Area Character Appraisal makes reference to 'The Chanonry development', describing it as 'residential properties set in spacious walled grounds.' Whilst it is acknowledged that the change of use of the entire building at 14 Chanonry to a non-residential use could have a detrimental impact on the character of the area, the small-scale nature of the part-change of use proposed in this application would see the property's principal function remain as a residential dwelling and it is considered that the proposed development would not pose a threat to the preservation of the key characteristics of The Chanonry, as outlined in the Old Aberdeen Conservation Area Character Appraisal.

- The site notice erected outside the application property contained an incorrect description  
The public notice erected at the site was actually for a corresponding listed building consent application which was subsequently withdrawn as the applicant is not proposing to carry out any physical alterations to the building. Therefore listed building consent is not required. It was deemed by the Council, as planning authority, that the planning application did not require to be advertised and no site notice was placed for this application, although it is acknowledged that the placing of an advert for the listed building consent application could have led to confusion amongst members of the public.
- Proposals for a part change of use elsewhere on the Chanonry have been refused planning permission in the past (7 Chanonry in 1987)  
The application for No. 7 Chanonry was made some 29 years ago and the Council's planning policies and guidance have changed significantly in that time. The current proposal is for office space associated to the resident of the building, with that space to be wholly contained within the same planning unit, only accessible through the rest of the dwelling and not a self-contained unit.
- There is a title deed restriction for all properties on the Chanonry which prevents any property on the street being used for any purpose other than as a residential dwelling  
Title deed restrictions do not constitute a material planning consideration and instead constitute a civic legal matter over which the Council has no control in the planning process.
- The increased traffic pressure would be detrimental to road and pedestrian safety  
The street is already relatively heavily trafficked with vehicles and pedestrians due to the amount of visitors to St Machar Cathedral and Seaton Park. The proposed use would be of a relatively small scale and intensity and would not result in a significant increase in vehicles using the street to the extent where it would be detrimental to road or pedestrian safety.

#### 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 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 Reporter's 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 Full Council meeting of 14<sup>th</sup> December. The actual adoption date is likely to be around the third week in January.

**RECOMMENDATION: Approve Conditionally**

**REASONS FOR RECOMMENDATION**

The proposed change of use of parts of the building for office and public room uses associated with the operational requirements of the Diocese of Aberdeen, whose Bishop would live at the property, would be of a sufficiently small scale and intensity of use to ensure that they would not have a detrimental impact either the character or amenity of the surrounding area, in accordance with Policy H1 (Residential Areas) of the Adopted Aberdeen Local Development Plan (ALDP). No physical alterations to the building are proposed and it is therefore considered that the character of the listed building and the wider Old Aberdeen Conservation Area would be maintained, in accordance with the principles of Scottish Planning Policy, Historic Environment Scotland's Policy Statement and Policy D5 (Built Heritage) of the ALDP. The site is in close proximity to good public transport links and subject to a condition requiring secure cycle storage provision, it is considered that the proposed development would not result in significant on-street car parking issues and would encourage the use of public transport, in accordance with Policies D3 (Sustainable and Active Travel) and T2 (Managing the Transport Impact of Development) of the ALDP. The proposed change of use is also considered to comply with the relevant corresponding policies (H1, D4, T2 and T3) of the Proposed Aberdeen Local Development Plan.

**CONDITIONS**

- 1) That the office use hereby approved shall be restricted to the rooms on the top floor of the building identified in drawing number 4074-GA-302 and these rooms shall only be used in connection with providing administrative support for the activities and functions of the applicant, The Roman Catholic Diocese of Aberdeen.

Reason – In order that the primary residential function of the building is retained and that the office use remains associated with that use and of a sufficiently small scale to protect the character and amenity of the area.

- 2) That the Class 10 use hereby approved shall be restricted to the Parish Room at ground floor level as identified in drawing number 4074-GA-300 and this room shall only be used in connection with the activities and function of the applicant, The Roman Catholic Diocese of Aberdeen.

Reason – In order that the primary residential function of the building is retained and that the Class 10 use remains associated with the functions of

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the resident and of a sufficiently small scale to protect the character and amenity of the area.

- 3) That the rooms hereby granted planning permission for change of use shall not be occupied unless a scheme detailing cycle parking provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

Reason – In the interests of encouraging more sustainable modes of travel.