



**PLEASE REPLY TO:
AHSS NORTH EAST GROUP
Kelly Morrison – Secretary
c/o 57 Gladstone Place, Aberdeen AB10 6UX**

21 September 2016

Planning Application Ref: 161152

Site Address: 14 The Chanonry, Old Aberdeen AB24 1RP

Description: 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.

Objection

1. The Society wishes to object to the proposal on the following grounds:

- Limited information was included in the Application; therefore, the impact of the proposal cannot be adequately assessed, particularly in relation to the nature of the proposed uses.
- Detrimental to the character of the Old Aberdeen Conservation Area. The proposed change of use would also mean a material change of use of the surrounding largely-residential area, which is unacceptable, in accordance with the local authority's own guidelines.
- Negative impact on amenity. Introducing a class 4 use into a residential area is not compatible with other uses in the area, in accordance with the local authority's own guideline.
- It might set an undesirable precedent. If approved against the backdrop of the above, it would be difficult to reject similar applications in the future.
- Negative impact on parking, road safety and vehicular traffic. No provisions to mitigate adverse effects of increased activity from office use.
- Possible negative affect on a Listed Building. Whilst this representation mainly deals with the principle of the proposed change of use, and its potential effect, one cannot help to think whether the proposal, if accepted, would result in internal changes to the property which is a listed building, and any future creation of car park spaces.

It would seem reasonable to conclude that the proposal is not in accordance with the policy of the Scottish Government and local guidance.

Introduction

2. In 1987 a change of use application (87/1229) to allow two ground floor rooms in 7 The Chanonry to be used as offices for five years was refused on the grounds that 'the proposal, if implemented, would (1) be detrimental to the amenity and character of the area by reason of introduction of a commercial use into a wholly residential area; (2) be contrary to the Council's Conservation Area policy; (3) be prejudicial to public safety by reason of the likely increase in traffic generation in The Chanonry which is a residential street incapable of coping with additional traffic flows; and (4) have a deleterious effect both on the listed building in particular and on the Conservation Area in general'.

3. The Architectural Heritage Society of Scotland (AHSS) objected to the 1987 application and at this point we see no reason to deviate from that position. It is appreciated that the current proposal was submitted on behalf of the Bishop of Aberdeen (not by a businessman, as in 1987), and the property would continue to function as a residential building with the exception of the four rooms on the uppermost floor and part of the ground floor. There is an argument that the proposal would be acceptable if it was granted on the condition that it is in place while the Bishop of Aberdeen or the RC Diocese of Aberdeen owns the property and lapses once the property changes hands. However, one could entertain a doubt as to how one could then justify the refusal of similar applications in the future as this could discriminate against non-religious bodies (or other religious bodies) who would apply for class 4 use in this area to carry out business activities. It could be argued that the fact that the 'business' in this case is the Diocese of Aberdeen is, insofar as the class 4 (offices) part of the Application is concerned, irrelevant. The Society has no objection to the proposed class 10 use.

Scottish Planning Policy

4. Scottish Local Authorities, in the exercise of their planning functions, are under a statutory obligation to preserve or enhance the character or appearance of a conservation area.¹ Scottish Government policy further elaborates this statutory obligation. One of the stated aims of the Scottish Planning Policy (SPP) is 'to achieve the right development in the right place; it is not to allow development at any cost'². In relation to proposals for business and industrial uses SPP requires that proposals 'should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity, and make a positive contribution towards placemaking'³. There is a recognition that change, which means more than alterations to the fabric of the building, should be managed sensibly: 'The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.'⁴ Accordingly, SPP expects that 'proposals for development within conservation areas (...) should preserve or enhance the character and appearance of the conservation area.'⁵
5. We do not consider that the Application follows the above principles. To put it simply, insofar as the class 4 use is concerned, it is not the right development in the right place. Even if the proposal had no adverse impact on the building or the appreciation thereof (which is doubtful), it would more than likely to have an adverse impact on the character of the conservation area which would go against the requirement that proposals 'should take into account surrounding sensitive uses (...) and local amenity'. It also makes no provisions in relation to sustainable transport and travel patterns.

The Application is not in accordance with Scottish Planning Policy.

Scottish Historic Environment Policy

6. Conservation areas are living places and change may be necessary; however, it also must be carefully managed to protect the character and appearance of conservation areas. Scottish Government planning advice recognises that, in order to realise their potential, 'many of them need to continue to adapt and develop in response to the modern-day needs and aspirations of living and working communities'⁶.
7. The Scottish Historic Environment Policy (SHEP) provides further guidance whilst recognising that the 'protection of the historic environment is not about preventing change', but that any change 'should be managed intelligently and with understanding, to achieve the best

¹ Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, s 64(1).

² Scottish Government, *Scottish Planning Policy* (2014) para 28.

³ *ibid* para 108.

⁴ *ibid* para 141.

⁵ *ibid* para 143.

⁶ Scottish Executive, *Conservation Area Management* (PAN 71, 2004), 4.

outcome for the historic environment and for the people of Scotland'⁷. There seems to be a presumption against change of use. One of the key principles to take into account when considering the impact of proposals is to 'ensure that any proposed change of use is necessary'⁸. If the full impact of any proposed action cannot be adequately assessed change should be avoided.⁹

8. The Application is silent on whether the change of use would lead to alterations to the interior (such as the installation of fire doors), which would, presumably, require a Listed Building Consent. There is no indication on the attached plans as to which ground floor rooms would be class 10 use.

The Application contains insufficient information and accordingly, its impact on the historic environment cannot be adequately assessed.

Aberdeen Local Development Plan

9. The property is a category B listed building and lies within the Old Aberdeen Conservation Area which has a mixture of uses; however, The Chanonry, the immediate area within which the property lies, is wholly residential (with the exception of St Machar's Cathedral). According to the conservation area character appraisal The Chanonry is 'now characterised by large, mainly detached Georgian and some 19th century, residential properties set in large gardens and bounded by impressive walls'¹⁰. A number of policies of the Aberdeen Local Development Plan may be relevant.
10. *Policy H1 Residential Areas* states that proposals for non-residential uses within existing residential areas 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.¹¹
11. The Supporting Statement notes that 'the intended "office" use of the top-most floor of the building is principally to provide necessary administrative functions in support of the Bishop's various pastoral activities. It is, perhaps, a unique situation and is not a "normal" office/commercial use in the usual sense of that term.' While the applicants' point is not entirely without merit one could reasonably argue that a possible definition of normal office use 'in the usual sense of that term' is 'providing administrative functions in support of' the various activities of the particular organisation's senior officer – the fact that organisation in question is a religious one (it could be a charitable one) and the executive in question is a bishop (could very well be a CEO of a charitable body) is of no consequence. There is nothing in the legislation which appears to support applicants' assertion that, inasmuch as the class 4 use concerned, the administrative activities carried out by religious bodies are unique or unusual. However, if the proposed use is indeed unique, or particular to religious organisations, then the second floor 'office' should be covered by the class 10 (non-residential institutions) use¹² – which would not be objectionable.
12. The onus is on the applicants to demonstrate that their proposals meet the criteria set out in the Local Development Plan. Having considered the Application (and the Supporting Statement attached thereto) it seems that there is some difficulty in arriving to the conclusion that the proposed class 4 office use could be carried out without any detrimental impact on the character or amenity of the area.

Introducing a class 4 office use into this residential area is not compatible with other uses in the area.

⁷ Historic Scotland, *Scottish Historic Environment Policy* (2011) para 1.8.

⁸ *ibid* para 1.34.

⁹ *ibid*.

¹⁰ Aberdeen City Council, *Conservation Area Character Appraisals and Management Plan: Old Aberdeen* (2015), 27.

¹¹ Aberdeen City Council, *Aberdeen Local Development Plan* (2012) 37.

¹² Town and Country Planning (Use Classes) (Scotland) Order 1997, SI 1997/3061, sch 1, para 10(g).

13. According to *Policy D5 Built Heritage*, 'Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.'¹³

The Application is not in accordance with this policy. (See paragraph 5.)

14. Travel and transport related policies, including supplementary guidance, might also be relevant. *Policy T2 Managing the Transport Impact of Development* notes that, 'New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.' *Policy D3 Sustainable and Active Travel* requires new development to 'minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel'. Developments are also required to ensure 'that opportunities for sustainable and active travel are both protected and improved' and prioritise walking, cycling and public transport over car and other motorised vehicles.¹⁴ *The Supplementary Guidance - Transport and Accessibility (2012)* expects developers to take account of the standards shown in the non-residential car parking spaces table. The times of use may also be relevant as to whether or not extra parking is needed.¹⁵

15. According to the Application it was suggested during the Pre-Application Discussion that a separate application should be submitted for additional car-parking, yet there is no proposal to create any parking spaces, even though the application form states that there are no existing parking spaces on the site. The Supporting Statement however clarifies that there are in fact 'approximately' three parking spaces which will be retained. We note that the staffing level would be the full time equivalent of three employees and, as not all of *current* members of staff are car drivers, the three parking spaces are considered to be sufficient. Nevertheless, measures encouraging the use of alternatives to cars (such as cycling by providing cycle parking spaces¹⁶) would be welcomed.

16. The site is located with a controlled parking zone with pay and display parking facilities. According to the Supporting Statement the anticipated the scale and frequency of the larger events is 'broadly similar to those which are held at the University Principal's residence'. It is doubtful whether or not this statement is in favour of the application, as the area has limited capacity to accommodate large number of vehicles. One could reasonably assume that there would be increased traffic and problems with parking, both of which would negatively affect road safety and the amenity of the residential area.

The proposal provides no measures, such as encouraging the use of alternatives to cars, to mitigate possible adverse effects on vehicular traffic, fails to consider the issue of parking and the wider negative impact on road safety and the amenity. The Application is not in accordance with Policy T2 Managing the Transport Impact of Development, Policy D3 Sustainable and Active Travel and Supplementary Guidance - Transport and Accessibility.

¹³ Aberdeen City Council (n 11) 31.

¹⁴ *ibid* 30.

¹⁵ Aberdeen City Council, *Supplementary Guidance - Transport and Accessibility* (2012) 19.

¹⁶ Aberdeen City Council, *Supplementary Guidance - Transport and Accessibility* (2012) 25.