

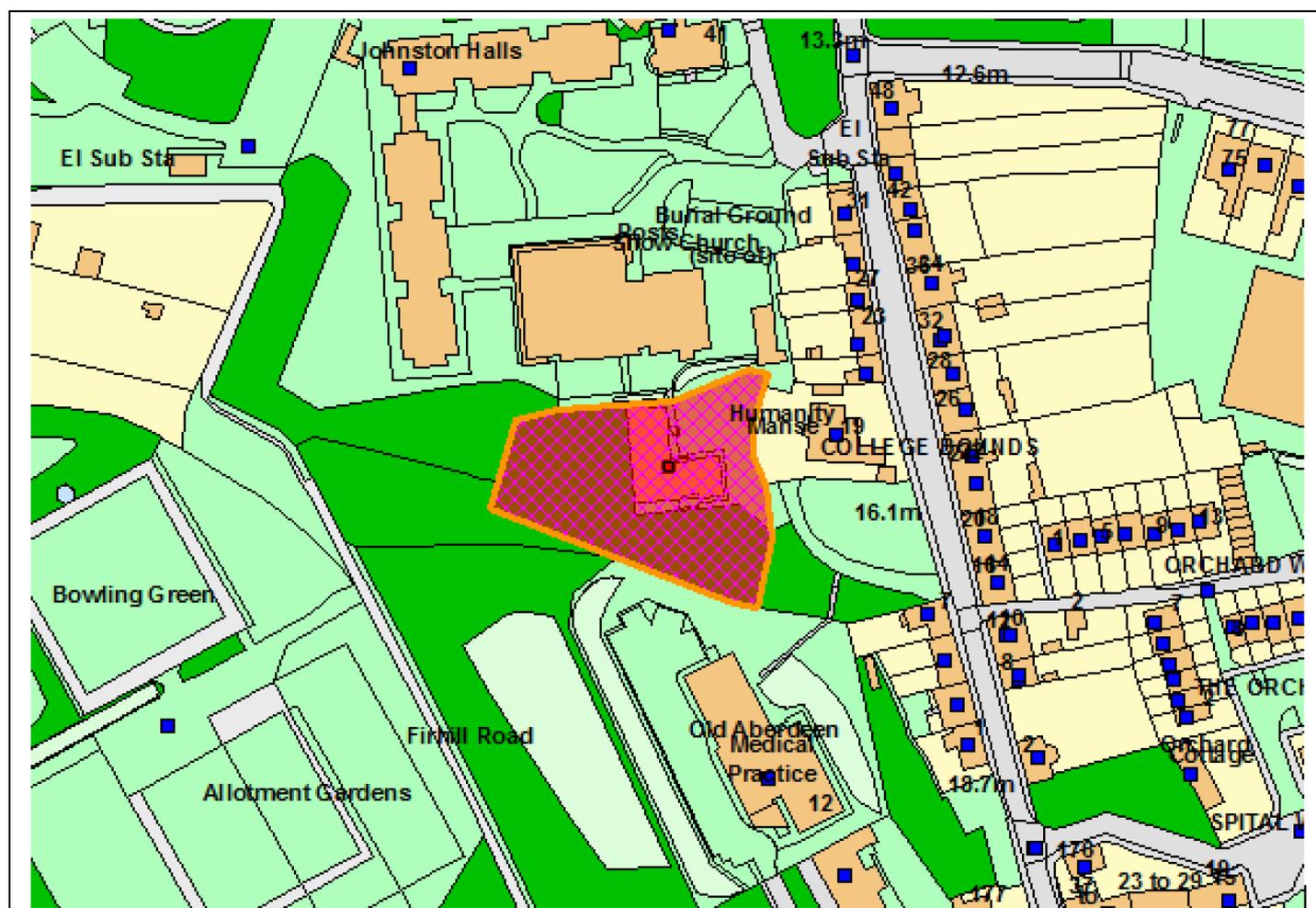


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 25 August 2022

Site Address:	Johnston G Block, University of Aberdeen, College Bounds, Aberdeen, AB24 3DX
Application Description:	Change of use from residential to class 2 (financial professional and other services); installation of security fencing and associated works (Retrospective)
Application Ref:	220244/DPP
Application Type	Detailed Planning Permission
Application Date:	7 March 2022
Applicant:	Mr Chris Forman
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Case Officer:	Aoife Murphy



RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application relates to a site within the Old Aberdeen Campus of the University of Aberdeen, which accommodates an existing 'L' shaped building, dating from the 1960s. Existing university buildings, including the refectory building, Johnson Halls of Residence and the Humanity Manse bound the site to the north and east, respectively, while Old Aberdeen Medical Practice is located to the south and a wooded area to the west. The site is accessed via College Bounds, which lies further east of the site and there are also a number of residential properties in the vicinity of the site.

In terms of the use of the building, it was not possible for the Planning Service to identify the use of the building from information provided by the applicant or previous permissions. However, the applicant acknowledged that Council Tax is still being paid on the building, which means that at some point in the past it was used as a place of residence, therefore without any further information, it is considered that the most recent use of the property is residential. It is worth noting that at some point during the application process, the building has been brought into a class 2.

The building itself is undesignated but does fall within the Old Aberdeen Conservation Area. There are a number of Category B listed buildings in the area, including the Humanity Manse just east of the site.

Relevant Planning History

210733/DPP – Detailed Planning Permission for the formation of glazed disabled access including access path; installation of LED flood lights and CCTV with associated works – Approved 17 July 2021.

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought for a change of use to class 2 (financial professional and other services) so that the building can continue to be used as a counselling facility for those who attend and work at the University but also for members of the public. This use was implemented during the course of the application process. The applicant is also seeking permission for 2m high security fencing, which has already been erected approximately 2-6m from the southern application site boundary, with the aim of preventing through footfall and prohibit unnecessary access to the site. In light of the above, all works to be considered under this application are retrospective.

Some internal works are proposed to accommodate the class 2 use, but these works do not require consent.

Amendments

An amended site plan has been submitted at the request of the Planning Service with the accurate location of the security fencing erected to the south of the site clearly shown.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R7UX8XBZKYS00>

Arboricultural Method Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there has been an unresolved objection from the Community Council, as such the application falls outwith the Scheme of Delegation.

CONSULTATIONS

Old Aberdeen Community Council – has raised an objection with regards to the lack of detail submitted with the application in relation to the proposed fencing and concerns regarding the potential detrimental impact this would have on visual amenity and disruptive impact on the wooded area.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment policy for Scotland (HEPS)

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed.

Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration".

The following policies are relevant –

Policy CF1 - Existing Community Sites and Facilities

Policy D1 - Quality Placemaking by Design

Policy D4 - Historic Environment

Policy NE5 - Trees and Woodland

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis.

The following policies are relevant –

Policy CF1 - Existing Community Sites and Facilities, Policy D1 - Quality Placemaking, Policy D2 – Amenity, Policy D6 - Historic Environment and Policy NE5 - Trees and Woodland are relevant in this case.

Other Material Considerations

Old Aberdeen Conservation Area Appraisal

EVALUATION

Principle of Development

The site is located within the University of Aberdeen Campus and is zoned as Existing Community Sites and Facilities, as such the proposal will be assessed against Policy CF1 - Existing Community Sites and Facilities, which applies to all land zoned to health, education and other community facilities. Proposals for new or extended uses of these types on these sites will be supported in principle.

In this case, the Planning Service are aware that the building has been previously used by the University in some capacity with the proposed use being part of the University's continued daily activities as well as a service for the wider community. As such, it is considered that the change of use to Class 2 is acceptable and the principle of development can be supported in this case.

Impact on the Historic Environment

Both Policy D1 - Quality Placemaking by Design and Policy D4 - Historic Environment will be required to assess the impact on the historic environment, which in this case relates to surrounding listed buildings, their settings and the Old Aberdeen Conservation Area. Given that the building is a more recent addition to the area and given its location, which is set back from the public road and bound by sufficient screening to the east, it is not considered a change of use would have any impact on the character of these built assets or that of the surrounding conservation area.

While the fence along the southern boundary would be a more modern addition, with a query raised by the community council in respect to visual amenity, it is noted that such fencing does exist in the vicinity, specifically associated with the neighbouring medical practice to the south. Furthermore, the fence would be in a location that is not readily visible to the public and would be solely for security purposes to prevent through footfall and prohibit unnecessary access to the site. Overall, it is considered that the fence would have no resultant adverse or undue impact on the conservation area.

Overall, it is considered that the proposal complies with both Policy D1 - Quality Placemaking by Design and Policy D4 - Historic Environment.

Trees

The community council has advised that they have concerns regarding the erection of fencing, the lack of detail submitted with the application and the resultant impact on trees. The community council were given opportunity to review the submitted method statement, however, to date no response has been received meaning that the concerns raised still stand. As such their comments must be considered as an objection to the proposal.

In this case and due to the location of the trees within existing woodland, it was considered prudent to request the submission of an Arboricultural Method Statement, in order to assess the proposal against Policy NE5 - Trees and Woodland. The method statement has been reviewed by the Planning Service and it is considered that it is acceptable in terms of ensuring minimum impact on the rooting environment of the existing tree stock, with the main mitigation being the exclusion of any mechanical machinery during the completed works and the excavation work having been undertaken by hand. While the works are retrospective the applicant has confirmed that they have been carried out in line with the submitted statement, despite the tense in which it has been written. While there is likely to be some root damage caused by the works, the Arboricultural Method Statement satisfactorily covers the pruning and protection of exposed roots during the excavation work. Additionally, post holes located approximately 2.75 metres apart, mean that any root damage caused to individual trees will be minimal and well within tolerable limits. As such, the Planning Service are satisfied that the proposal complies with Policy NE5 - Trees and Woodland.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

The proposed works, including the change of use and erection of fencing is considered to be acceptable when assessed against the relevant policies, in that the proposed Class 2 use supports the existing Community Sites and Facilities zoning and would have no impact on the character of the surrounding Old Aberdeen Conservation Area. Furthermore, the proposed fencing has a limited impact on the existing tree stock due to the means of construction. As such, the proposal complies with Policy CF1 - Existing Community Sites and Facilities, Policy D1 - Quality Placemaking by Design, Policy D4 - Historic Environment and Policy NE5 - Trees and Woodland of the Aberdeen Local Development Plan 2017, as well as the relevant policies contained within the Proposed Aberdeen Local Development Plan 2020.