

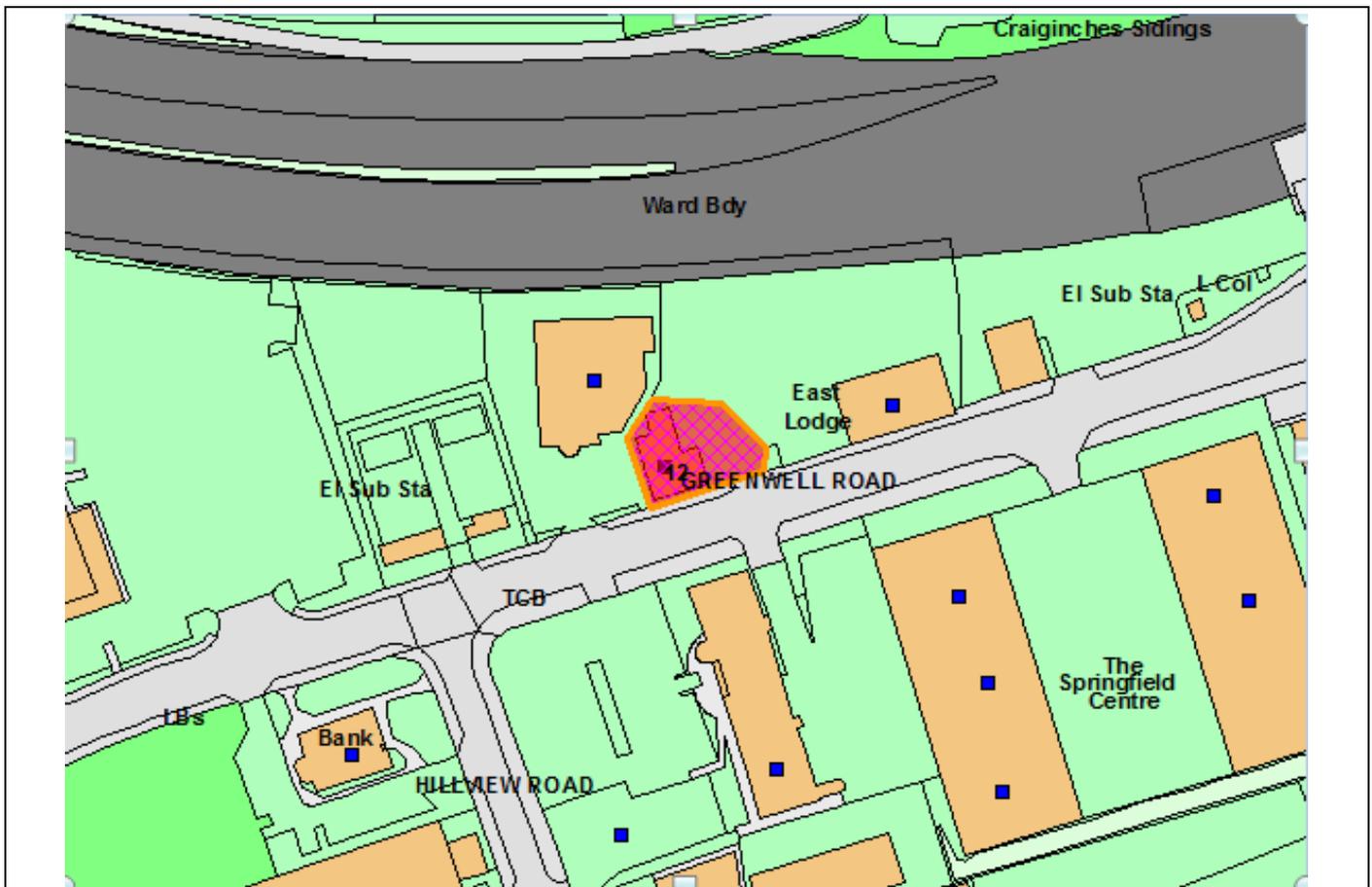


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 3<sup>rd</sup> November 2022**

Site Address:	West Lodge, Greenwell Road, Aberdeen, AB12 3AX
Application Description:	Change of use from class 4 (business) to class 10 (non-residential institutions)
Application Ref:	220969/DPP
Application Type	Detailed Planning Permission
Application Date:	10 August 2022
Applicant:	Team Jak
Ward:	Kincorth/Nigg/Cove
Community Council:	Torry
Case Officer:	Gavin Clark



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application property is a single storey detached office building located on the northern side of Greenwell Road that is currently vacant. Parking facilities are located to the east and north of the building and access to the site is taken from the south directly off Greenwell Road. The surrounding area is mixed use, but predominantly business and industrial in nature and includes an auto spray business to the immediate east, the railway line to the north, and business and industrial units to the west and south. Other uses in the immediate surrounding area include a supermarket (Lidl) and a bank (currently vacant), located further west along Greenwell Road. The building was most recently used as offices for a children's adoption and foster care provider.

### **Relevant Planning History**

None

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The proposal seeks a change of use of the premises from Class 4 (Business) to Class 10 (Non-residential institution) to create a day centre for children and young people with cancer, as well as their families. No external alterations to the building are proposed, although alterations to the car park are required for the provision of a disabled parking space.

### **Amendments**

Revised plans were submitted to show disabled parking provision at the request of colleagues in Roads Development Management. A further Supporting Statement was also submitted.

### **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=RFZO58BZIFM00>

- Supporting Statement – September 2022

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the proposal is considered to be a Departure from the adopted Local Development Plan and has been advertised as such. Subsequently the proposal falls outwith the Scheme of Delegation.

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – no objection. Their response will be discussed in greater detail in the evaluation section of this report.

**Torry Community Council** – no response received.

## **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.

## **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 five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, 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 – B1: Business and Industrial Areas, T2: Managing the Transport Impact of Development and T3: Sustainable and Active Travel.

## **Supplementary Guidance (SG)**

Transport and Accessibility

### **Proposed Aberdeen Local Development Plan (2020)**

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (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 following policies are relevant – B1: Business and Industrial Land, T2: Sustainable Transport and T3: Parking.

## **EVALUATION**

### **Principle of Development**

The application site lies within an area designated in the Aberdeen Local Development Plan 2017 (ALDP) as Business and Industrial Land, where Policy B1 of the ALDP applies. This policy promotes the retention of business and industrial land identified in the ALDP for uses within Class 4 (Business), Class 5 (General Industrial) or Class 6 (Storage and Distribution) of the Town and Country Planning (Use Classes) (Scotland) Order and its safeguarding from other development types. It also advises that other uses which may be suited to a business and industrial location, such as car showrooms and bus depots will be considered on their own merits. Facilities that directly support businesses and industrial uses may be permitted where they enhance the attraction and

sustainability of the city's business and industrial land. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the business and industrial area.

The proposed Class 10 use does not fall within Classes 4, 5 or 6 of the Use Class Order, nor is it considered that the proposed use is a type of use comparable to car show rooms or bus depots in terms of appropriateness for location in a predominantly business and industrial area. It is also unlikely that end users of the building would be drawn from those employed in the surrounding area to seek a supporting or complementary use. On the basis of the above, the proposal represents a departure from the Development Plan, specifically in terms of the Class 10 use not being in line with the relevant policy zoning, B1 (Business and Industrial Land).

It therefore needs to be considered as to whether there are any material planning considerations that would justify the granting of planning permission as a departure from the adopted Local Development Plan.

The applicant's Supporting Statement notes that the property has only been on the market for one month prior to the applicant making an enquiry, but that very few transactions had taken place in this area in the last three years, based on information received from local commercial property marketing agents. They have also noted the attractiveness of the location to the applicant, on the southern side of the city, in close proximity to one of the main arterial routes into the city.

The Supporting Statement also notes that the building is not typical of those found in the surrounding area, being in contrast to the much larger industrial and office buildings typically found. They also note the lack of economic demand for such office buildings in the current climate, evidenced by recent demolitions of a relatively new office premises on Craigshaw Road, 250m from the site. The Supporting Statement also provided various images of buildings in the surrounding area, noting that the application property is not typical of the area.

On the basis of the above information, whilst the property has not been marketed for a significant period of time, it is considered unlikely that given the relatively small building and constrained site that a new Class 4 end user would be found given the current economic climate and the current supply of larger and more desirable sites on business and industrial areas throughout the city. It is also highly unlikely that a Class 5 or 6 use could utilise the site given its character.

As a brownfield opportunity the site could in theory be developed for a new Class 4, 5 or 6 use in line with Policy B1. Such development would align with the Scottish Planning Policy for sustainable development, and the use of brownfield land. However, given the information submitted, and general view that there is already a significant supply of marketable and available land in the city at present. A site offering 435 sqm which is bound by a variety of uses including business and industrial, a supermarket and car show rooms is not considered to be desirable for business and industrial uses given larger, more flexible, sites can be found elsewhere.

It is not considered that the loss of this building from Class 4 use will detrimentally impact on the supply of B1 land across the City and does not therefore represent a significant conflict with, or departure from, Policy B1.

The applicants set out that the site and building is ideal for the intended use due to its accessible location off Wellington Road, covering potential users travelling between locations south of Aberdeen and ARI.

As a result of the above assessment, it is considered that there are sufficient material considerations that warrant a departure from the business and industrial zoning in this instance.

## **Transportation**

Policy T2 advises that “*new development must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel*”. In addition, Policy T3 advises “*new development must be accessible by a range of transport modes with an emphasis on active and sustainable transport*”.

The proposal has been assessed by colleagues in Roads Development Management, who note that the site is in an accessible location and an acceptable number of parking spaces would be provided within the site. They did request the provision of a disabled parking space and an amended plan was submitted to show this. A condition will be inserted on to the consent to ensure the development is implemented in accordance with this approved plan. Subject to this the proposal would comply with Policies T2 and T3 of the ALDP along with its associated SG: Transport and Accessibility.

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

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and a departure from both Plans is considered to be acceptable for the reasons previously given.

### **RECOMMENDATION**

Approve Conditionally

### **REASON FOR RECOMMENDATION**

The proposed Class 10 use is considered to complement the existing range of uses found within the surrounding area. The likelihood of the site being re-used for mainstream business use or being viable for office development is limited, given the size, nature and location of the site and the healthy supply of more suitable office accommodation on the market. Whilst not directly for the needs of employees or occupants of the surrounding area, it is considered that the proposal would serve the surrounding and wider area through a use considered to be acceptable in this location. It is also acknowledged that the site will benefit from accessibility from one of the adjacent main thoroughfares into Aberdeen from the south. It is therefore considered that the proposed development is acceptable as a departure from Policy B1 (Business and Industrial Areas) of the Aberdeen Local Development Plan.

The proposal is considered to be acceptable from a transportation perspective and would comply with Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the ALDP along with its associated Supplementary Guidance: Transport and Accessibility.

For similar reasons the proposal would also comply with Policies T2: Sustainable Transport and T3: Parking of the Proposed Aberdeen Local Development Plan 2020 and is an acceptable departure from Policy B1: Business and Industrial Land that can be justified for the reasons as set out above.

### **CONDITIONS**

#### **(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses. Reason - in accordance with section 58 (duration of planning permission) of the 1997 Act.

#### **(02) CAR PARKING**

That the use hereby approved shall not be brought into use unless the approved areas of car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. 142 - 201 B of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval. Reason: in the interests of public safety and the free flow of traffic, and to ensure compliance with Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and the associated 'Transport and Accessibility' Supplementary Guidance.