



<b>APPEAL DECISION (DPEA)</b>
<b>Appeal Reference</b> - PPA-110-2292
<b>Planning Reference</b> - APP/2015/0964
<b>Planning Proposal</b> - Full Planning Permission For Change of Use From Incidental Office Space Within the Approved Heritage Centre (Class 10) to Overnight Sleeping Accommodation (Class 7) at Old Loco Works, Harlaw Road, Inverurie, Aberdeenshire, AB51 4FH
<p><b>Summary of Decision</b> – The appeal was dismissed and planning permission refused.</p> <p>The application was refused by Aberdeenshire Council for the following reason:</p> <p><i>“The proposal is considered to have a significantly detrimental impact on the amenity of the area and its residents and will have a detrimental cumulative impact when taken alongside the previously approved accommodation nearby. The planning application therefore does not comply with Policy 1 Business Development and SGBus4 of the Aberdeenshire Local Development Plan 2012.”</i></p> <p>This was the proposal that involved creation of 20 bedrooms over two floors of the building, this was determined between the application for 37 bedrooms that was refused in February 2015 and 11 bedrooms that was granted in September 2015. The 20 bedroom facility at the former canteen building was granted in February 2015.</p> <p>The Reporter highlighted concerns about the potential number of overnight residents and balance between permanent and temporary residents if the appeal was allowed. Noise (whether anti-social or good natured) was raised and parking noted as a material consideration.</p> <p>It was noted that the Council has accepted the need for this type of accommodation, but concluded that it would not respect the character and amenity of the area and the cumulative impact with existing facilities of a similar nature would exceed an acceptable level.</p> <p>Matters contained within the 16 representations were considered as above. The proposal was found not to be in conflict with other policies / supplementary guidance.</p>
<b>Key Policy Issues</b> - Policy 1 & SG Bus4 – not met
<b>Additional Points</b> – None
<b>Actions</b> - Note Decision

Planning and Environmental Appeals Division

Appeal Decision Notice

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Decision by Michael J P Cunliffe, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2292
- Site address: Old Loco Works, Harlaw Road, Inverurie, Aberdeenshire AB51 4FH
- Appeal by Garioch Heritage Society against the decision by Aberdeenshire Council
- Application for planning permission dated 31 March 2015 refused by notice dated 1 September 2015
- The development proposed: Change of use from incidental office space within the approved Heritage Centre (Class 10) to overnight sleeping accommodation (Class 7)
- Date of site visit by Reporter: 4 February 2016

Date of appeal decision: 15 February 2016

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## Decision

I dismiss the appeal and refuse planning permission.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issues in this appeal are the cumulative impacts of the proposed change of use, along with similar developments already consented, on the character and amenity of the area and on parking capacity. I am also required to have special regard to the desirability of preserving the listed building or its setting and any special features of historic or architectural interest which it possesses.

2. The appeal concerns the southern end of the Category 'B' listed former carriage and wagon workshop which forms part of the Inverurie Loco Works and lies on the north-east side of the town centre. The main part of the building has been converted to form 40 residential units around a central landscaped courtyard, while the southern end contains the Garioch Heritage Centre (not yet in use) with two floors of office and classroom accommodation (currently unoccupied) in its western section. The proposal is for change of use of this section to Class 7 to provide 20 bedrooms with en-suite facilities together with communal lounge, dining and kitchen accommodation, a reception area and office, and toilets. These would provide overnight sleeping accommodation aimed at 'business tourism', principally in the oil and construction sectors.

3. While refusing the application which is the subject of this appeal, the council has granted listed building consent for the proposed development and has subsequently



granted planning permission for the same change of use on the ground floor only, providing 11 single bedrooms and ancillary accommodation as described above. Since March 2015 the nearby former canteen building has operated (with retrospective planning permission) as a similar facility, providing 20 bedrooms. The council has therefore accepted the need for this type of accommodation in Inverurie, and the principle of its location on the Old Loco Works site.

4. The issue is therefore whether the impacts associated with the additional nine bedrooms that would result from the appeal proposal would be acceptable. I note that the plans showing the internal layout provide for 11 double and 9 single bedrooms spread over the two floors. These would accommodate a maximum of 31 people. In contrast, the ground-floor development approved by the council consists entirely of single rooms, accommodating only 11. I would not expect the double rooms always to be occupied by two people, but it is possible that from time to time the majority of them would be, so that there could be approaching 30 people using the communal facilities and potentially using the car parking and the surrounding open space. These would be in addition to the 20 people (assuming single occupancy) associated with the former canteen building.

5. The appeal proposal would therefore result in a significant increase in the numbers of overnight residents on the Loco Works site, from 20 at present, to 31 with the approved development, to as many as 50 with the additional rooms. This would affect the balance between permanent and temporary residents. Noise is potentially an issue, though the appellant's statement notes that the separating wall between the residential apartments and the sleeping accommodation section of the building has been constructed to achieve the required Design Performance Levels relating to noise separation in accordance with the relevant Scottish Building Regulations and British Standards, ensuring that adjoining residents are not affected directly by noise transmission. Secondly, the main entrance would be located to the front of the building, on the same elevation as the Heritage Centre entrance. This entrance would be controlled and manned by reception, controlling ingress and egress of guests. All other doors leading out of the proposed sleeping accommodation would be for emergency exit use only and would be alarmed as such.

6. Nevertheless, it appears to me that the coming and going of overnight residents, parking cars, and possibly seeking to spend time in the open air around the buildings, would be bound to result in some degree of disturbance to the permanent residents, and that such disturbance would be greater with 20 bedrooms (the majority of them doubles) than with 11 single rooms. I note that there have not been any reports of anti-social behaviour associated with the former canteen building, and that a full-time reception/security presence would be provided. However, noise can be the result of normal good-natured activity as well as insensitive behaviour. I consider that the appeal proposal would, by significantly increasing the number of overnight residents, adversely affect the amenity and residential character of the immediately surrounding area.

7. In terms of the development plan, Policy 1 of the Aberdeenshire Local Development Plan (LDP) supports the development of business and sustainable economic growth in all areas and aims to meet the needs and locational requirements of the different sectors and sizes of business by applying the relevant supplementary guidance (SG). The most relevant SG for the appeal proposal is SG Bus4: Tourist facilities and accommodation. This supports new or improved tourist facilities or accommodation, subject to other policies, if

they are well related to existing settlements and avoid dispersed patterns of development, and it can be demonstrated that:

- a) the proposal would respect the character, amenity and scale of the built and natural environment in the surrounding area; and
- b) the applicants have taken account of the potential cumulative impact of similar proposals in close proximity.

8. In the appeal case, while the development would be well related to Inverurie town centre and to public transport, I do not consider that it would respect the character and amenity of the existing built development. The cumulative impact along with existing facilities of a similar nature on local residents would in my view exceed an acceptable level. The requirements of Policy 1 and its associated SG would not therefore be met.

9. LDP Policy 2: Town centres and retailing supports retail, commercial, and other proposals appropriate to the scale and function of urban areas. The appeal site lies within the defined area of Inverurie town centre. SG Retail 1: Town centres and retailing is mainly concerned with shops and commercial uses. However, in the case of any non-retail or non-commercial developments within town centres, it provides support where the developer can demonstrate that there will not be significant adverse effect on the vitality or viability of existing centres. I consider the appeal proposal would be compatible with this policy.

10. Other potentially relevant LDP policies include Policy 8: Layout, siting and design of new development, with SG LSD2: Layout, siting and design of new development, and SG LSD 10: Contaminated land; Policy 9: Developer contributions, with SG DC1: Developer contributions, SG DC2: Access to new developments, SG DC3: Water and wastewater infrastructure, and SG DC4: Waste management requirements for new development; and Policy 13: Protecting, improving and conserving the historic environment, with SG Historic Environment 1: Listed buildings. Insofar as these relate to the appeal proposal, I do not find any conflict. In particular, the proposed very minor changes to the building fabric would preserve the listed building and its special features of historic and architectural interest. However, I give greatest weight to Policy 1 and SG Bus4, and conclude that the proposal does not accord overall with the development plan.

11. Parking is a material consideration. The original approved application identified 14 spaces associated with the Heritage Centre. A total of 91 parking spaces have been approved in the combined consents for the townhouses and Heritage Centre. The parking currently provided is shared between all uses on the overall mixed-use site and is approved as such, with no parking space specifically allocated to any particular use. An additional 7 spaces to the approved 91 spaces have been provided on site and are located adjacent to the proposed sleeping accommodation section of the carriage building. The council's Roads and Transportation officials have not objected. However, several local residents have raised concerns about the sufficiency of parking and the impact on them.

12. The appellant's Transportation Statement suggests that most journeys to the short stay accommodation are likely to be by train or public service buses, though the basis for this assumption is not clear. Elsewhere, the appellant states that it is envisaged that patrons will be transported by company bus to and from the airport, and that many workers travel to Aberdeen for early morning flights offshore (which reinforces my concern about

noise disturbance). However, it seems to me that at least a proportion of the users (who could number up to 31 on any one day) would arrive by car, and that on occasions the 14 parking spaces nominally provided to the Heritage Centre would be fully taken up. In these circumstances, parking would spill over onto the spaces used by (but not reserved for) residents. I also have to allow for the possibility that the Heritage Centre will itself one day be brought into use, and will require parking spaces for visitors and staff/volunteers. While these would be needed in the daytime, and users of the sleeping accommodation would need parking overnight, there could be times (such as late afternoons during the main tourist months) when parking capacity would become overloaded, to the detriment of the permanent residents.

13. The appellant cites the presumption in Scottish Planning Policy (SPP, 2014) in favour of development that contributes to sustainable development (paragraph 27). Guiding principles (paragraph 29) include:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment; and
- avoiding over-development and protecting the amenity of new and existing development.

14. However, SPP (paragraph 32) also states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and SPP and the presumption in favour of development that contributes to sustainable development will be material considerations. SPP paragraph 108 states that proposals for business, industrial and service uses should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity, and make a positive contribution towards placemaking.

15. On balance, while an element of overnight sleeping accommodation may contribute to sustainable development, the amount proposed in the appeal proposal would exceed what is compatible with local amenity, and I do not consider that it derives support from the presumption in favour of sustainable development. I have also taken into account the other material considerations cited by the appellant, including the National Review of Town Centres, Town Centre Action Plan, Scottish Historic Environment Policy, Aberdeenshire Council's Economic Development Strategy 2011 – 2016, the 2004 Inverurie Town Centre

North Development Brief, and the 2008 Inverurie Town Centre (North) Draft Development Framework. While these provide general support for mixed-use development in the town centre, re-use of historic buildings and economic development in this part of Aberdeenshire, they do not justify the specific type and scale of development proposed here.

16. I have also taken into account the 16 representations received by the council from local residents opposed to the proposal. The main issues raised concerned noise, anti-social behaviour, the general effect on amenity, and pressure on car parking. I have dealt with these matters above.

17. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*Michael J P Cunliffe*

Reporter