

1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.

2. Background and Proposal

- 2.1 Full planning permission is sought for a change of use from Shop (Class 1) and Tanning Salon (Class 2) to dwellinghouse (Class 9) including alterations and an extension at 135 High Street, Laurencekirk.
- 2.2 The application site is located on Laurencekirk High Street and consists of a vacant shop premises (facing the High street) formerly occupied by Mistletoe Design, with a retail unit to the rear of the plot recently run as a Tanning salon. The tanning salon received planning permission in September 2017 under APP/2017/1362 and operated for approximately 6 months. Both units are now vacant with the retail unit being vacant for a number of years.
- 2.3 The site is bounded by residential properties either side and to the rear with Mearns Community Centre located opposite. There is a private access which bounds the site and is also lined by mature trees which are protected by a Tree Protection Order. Garvocklea House, Holly-Syde, No. 133b High Street and 135 High Street all share the aforementioned access from the High Street.

History of Site

- 2.4 The premises at 135 High Street was originally used as the gardener's cottage and gatehouse for the Garvocklea Estate, before it was sold to a developer, Scotia Homes. Scotia Homes used it as a show house and sales office for the surrounding houses, following this Primrose Consultants used it as an office. The current owner bought the premises in 1997 and operated it as a commercial embroidery and engraving business and factory outlet supplying industrial workwear and school wear known as Mistletoe Design. The rear workshop unit gained planning permission for its construction under APP/2007/3662. The premises on the High Street has been vacant for approx. 5years and the applicant has unsuccessfully marketed the property along with the workshop unit to the rear. They have only been able to attract a tenant to rent the workshop unit to the rear for a short period as mentioned above and the Tanning Studio ceased trading approx. 6 months later.
- 2.5 The applicant now seeks to change the use of the building to residential retaining the workshop to the rear to be used as ancillary to the dwellinghouse. The building will require a number of internal alterations to accommodate use as a 3 bedroom dwellinghouse. The shop entrance and windows on either side are to be replaced with two windows on the street elevation and a new entrance door created in the proposed extension to the

south east of the property. The accommodation will comprise of an open plan kitchen/dining and lounge area on the street side of the building and a family bathroom with a bedroom and new entrance in the extension on the south east of the building at ground level. There will be a further 2 bedrooms on the upper floor, one of which is to be the master ensuite.

- 2.6 The existing tarmac area to the rear of the shop premises is to be utilised for garden ground and access. The unit to the rear/southeast of the site is proposed to be used as a garage/workshop for domestic use only and no external changes are proposed. The existing unit has a roller door on the north east elevation and there is an approved access which currently serves the unit.
- 2.7 The proposed materials will be brown roughcast render to match existing, natural slate roof to match existing, timber framed windows and doors also to match existing and anthracite grey coloured conservation style roof lights.
- 2.8 The number of documents have been submitted in support of the application and include;
- Arboricultural Assessment, Astell Associates
 - Tree Protection management, Astell Associates
 - Tree Survey Report, Astell Associates, 19th November 2018
 - Supporting email from Astell Associates, 20th December 2018
 - Revised Tree Survey Report, Astell Associates, 23rd January 2019
 - Second Revised Tree Survey Report, Astell Associates, 12th February 2019 - This includes an Arboricultural Method Statement. The report takes account of all surveyed trees adjacent to the red line site with TPO's on them.
 - Supporting Information In response to Community Council and Neighbour Objections from Agent 11th September 2018
 - Letter from Applicant addressing Community Council
- 2.9 Throughout the course of the application process a number of revisions have been made due to comments received from the Planning Service and Infrastructure Services (Natural Heritage) and include;-
- Site plans revised (Drawing No JDC 991-PL-001 Rev D) to show proposed access arrangement closing off second access with landscaping and position of TPO trees.
 - Revisions to Tree Survey Report to clarify the crown reduction works to the tree branches that are necessary to facilitate the development and works to improve the health of the trees.
 - Clarification on the extent and type of new tar areas proposed.

3. Representations

- 3.1 A total of 2 valid representations (2 objection) have been received as defined in the Scheme of Delegation. All issues raised have been considered. The letters raise the following material issues:
- Damage to TPO trees
 - Should use one access

4. Consultations

Internal

- 4.1 **Business Services (Development Obligation):** Confirmed that local Schools operating within capacity therefore no contributions are required at present.
- 4.2 **Infrastructure Services (Environment Team):** Commented that following revisions to the Tree Survey submitted, the proposal is acceptable and includes a sub base below the porous tar. It is suggested that a planning condition is required to ensure that works are carried out in accordance with Tree Survey dated 12th February 2019.

Infrastructure Services (Roads Development): Has no objection to this proposal subject to provision of 2 off street parking spaces.

External

- 4.3 **Mearns Community Council:** Have objected to the development. Concern is raised that Laurencekirk needs commercial premises to support the local economy and it was thought that both the sale price and rental price were high in the current climate for this area and attracted no buyers or sellers.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning

system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

5.3 Aberdeenshire Local Development Plan 2017

Policy P3 Infill and householder developments within settlements (including home and work proposals)

Policy PR1 Protecting important resources

Policy RD1 Providing suitable services

Policy RD2 Developer Obligations

5.4 Other Material Considerations

Tree Preservation Order 39 (2016) Garvocklea, Laurencekirk

Trees can be protected due to the fact they add value to the amenity, character and appearance of an area and also for cultural or historical significance. A Tree Preservation Order (TPO) is a legal notice served under the terms of the Town and Country Planning (Scotland) Act 1997.

6. **Discussion**

- 6.1 Full planning permission is sought for a change of use from a Class 1 shop and Class 2 Tanning Salon (rear unit) to a Class 9 residential dwellinghouse and workshop/garage. The main issues to be addressed in the determination of the application include the acceptability in principle of the change of use and whether this would have any adverse impact on the character of the area and surrounding amenity.

Principle issues

- 6.2 The settlement of Laurencekirk does not have a defined town centre area and therefore the principle of the proposal is solely considered under Policy P3 Infill and householder developments within settlements as this policy also

applies to applications for the change of use of existing buildings within settlements.

- 6.3 The proposed change of use is considered to be appropriate in this location as it converts a redundant building into a small family dwellinghouse which is comparable to the other residential properties found along the High Street. Furthermore the change of use of the previous use of the workshop to the rear from a Class 2 tanning studio to a garage/workshop associated with the proposed new use as a residential site is ancillary and compatible with the development. No external alterations to the rear building unit (workshop) are proposed and it is of a size that it could be used as a working from home area as well as garage space/workshop space.
- 6.4 The proposed development is considered to respect the scale, density and character and amenity of the surrounding area and the proposal is considered to be compliant with Policy P3 Infill and householder developments within settlements of the Aberdeenshire Local Development Plan 2017 which also encourages working from home units.

Community Council Representation

- 6.5 Mearns Community Council has objected to the proposal citing concerns relating to the change of use on the site from a business. The supporting information supplied by the applicant states that the property has been marketed twice over the last 5 years, sales prices were set by professional surveyors and no offers to purchase have been forthcoming. One offer of rent was accepted for the last tenant (Tanning Studio) which went out of business after 6 months use of the rear unit.
- 6.6 The proposal will return the building back into its original use as a residential property, thus retaining its historical character of a gatehouse cottage located beside the gate piers leading to Garvocklea House. The character of the street scene will also be retained as only small changes are proposed to the principal façade with alterations to windows and the mixed use of residential and commercial retail units on the High Street is also retained. The proposed rear extension will accommodate an entrance door and bedroom area making the small property into a 3 bedroom dwellinghouse. The design is appropriate for the location and the materials are in keeping with the original property and of a high quality. The rear of the site is also well enclosed and the addition of the extension to the rear will not cause any amenity issues in terms of overlooking or loss of privacy to neighbouring properties and respects the character of the surrounding area. The change of use and extension to the property is acceptable and compliant with Policy P3 Infill and householder developments within settlements (including home and work proposals).

Natural Heritage

- 6.7 As mentioned in paragraph 2.3, the site is bordered by mature trees and an access lane which separates the residential property to the north east. These trees and tree roots have to be taken into consideration as the proposed

extension on the rear/south east of the property may encroach onto the roots and a Tree Survey and Arboricultural Method Statement was required in accordance with Policy PR1 Protecting important resources. The TPO trees adjacent to the site boundary are 3 x Lime Trees and 1 x Oak (T.P.O 39). This row of trees on the avenue are in an historic area demarked by the gate pillars leading into the avenue which are valued in their landscape setting and add character to the area.

- 6.8 The trees along the driveway adjacent to the site are suppressed and have significant leans towards the site. Due to inconsistencies within the original Tree Survey Report revisions were required to ensure that the necessary works to the aforementioned trees was confined to branches and roots within the red line site boundaries to allow the development to proceed. With consultation from Planning Service and Infrastructure Services (Natural Heritage) revisions were provided to include;
- Correct number of TPO trees adjacent to site;
 - Inclusion of sub-base below the porous tar;
 - Amendments to photographs of trees to identify the crown reduction works required for development within the site;
 - Clarification of necessary works to trees and roots.
- 6.9 The revised Tree Survey Report recommends that the crowns should be reduced to thin the canopies and balance the trees. The Oak tree (4) has suffered storm damage and has a broken top and leans to the west and north west and its canopy is mainly one sided. The Crown reduction as recommended by the revised Tree Survey Report will balance the tree and remove the dangerous split area of the tree branch. All works proposed within the Tree Survey Report concern the tree roots and branches within the area demarked within the red line site are within the ownership of the applicant.
- 6.10 The rear garden area is mainly covered in hardstanding with a small area beside the workshop unit covered with a geotextile cellular confinement system overlaid with gravel so that the roots are protected in this area. It is proposed to skim off the existing tar on site to be replaced with new porous tar in line with the recommendations of the Tree Survey Report. Also the existing gravelled area is to be removed and new porous tar overlaid on top of the existing cellular confinement system installed on a porous sub base. The surface material of the car parking area is important as the wrong surface could limit the air and water getting to the roots which in turn would have a detrimental impact upon the long term health of the nearby protected trees. Infrastructure Services (Natural Heritage) are satisfied that the recommendations of the revised Tree Survey Report will satisfy the criteria of Policy PR1 Protecting important resources

Representations

- 6.11 The issue of the two accesses on the site has been considered previously and consented as part of a previous planning approval for the site when it was an embroidery business and small office (APP/2007/3662). The previous 2007 consent is a material consideration in that it showed the position of both the

approved access arrangements. The applicant has used the second access for deliveries to the roller door of the workshop unit at the rear of the site and although maybe not used often for such deliveries, the extant grant of planning approval dates back to 2007.

- 6.12 The second access has been widened by the previous tenant of the workshop unit and the damage caused to TPO tree roots has been considered under the previous application and concerns the area adjacent to the red line site. The Tree Protection Officer at the time gave advice on how best to preserve the remaining roots with resurfacing and the use of a cellular confinement system. This strategy has also been recognised in the current application and is addressed in the revised Tree Survey and tree plans as discussed above.
- 6.13 The Planning Service are aware of the issues regarding the mutual access and previous tree works and the shared driveway. The mutually owned access is a civil matter and not covered by the Planning Authority which the neighbours have been made aware of before and is outside the red line site. However, plans have been received to show that the applicant's intention is to close off this second access and to landscape it between trees 3 & 4 as shown in Revised Drawing No JDC 991-PL-001 Revision D.
- 6.14 Mention has been made of a holly bush which was removed along the driveway by the previous tenant however, this would not have been protected and was removed from the area outside the red line site therefore is not relevant to this application.

Providing suitable resources

- 6.15 Infrastructure Services (Roads Development) are satisfied that there are the required number of car parking spaces on the site shown as 2 car parking spaces on revised Drawing No JDC 991-PL-001 Revision D and satisfies Policy RD1 Providing suitable services. Business Services (Developer Obligations) has confirmed that the development does not engage Policy RD2 Developer Obligations.

Conclusion

- 6.16 In conclusion, the proposed change of use to the front property and rear workshop unit is acceptable as it will respect the scale, density, character and will not affect the amenity of the surrounding neighbouring properties and is compatible with Policy P3 Infill and householder developments within settlements. The necessary works to trees are covered by the Revised Tree Survey Report and the recommendations are compliant with Policy PR1 Protecting important resources. Therefore the proposal is recommended for approval and satisfies the policies discussed above of the Aberdeenshire Local Development Plan 2017.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An equality impact assessment is not required because the proposed development is not considered to give rise to any differential impacts towards those with protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

- 10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 GRANT Full Planning Permission subject to the following conditions:-

01. The dwellinghouse hereby approved shall not be occupied unless its driveway, turning and parking area for 2 off street parking spaces has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

02. The garage/workshop building hereby approved shall be used only for purposes incidental to the enjoyment of 135 High Street as a domestic garage/workshop and shall be used for no other purpose without the express grant of planning permission from the planning authority.

Reason: To enable the planning authority to consider the implications of any subsequent change of use on the amenities of the area.

03. The tree management proposals shall be carried out in complete accordance with the approved scheme as recommended by 'The Revised Tree Survey Report dated 12th February 2019 by Astell Associates as submitted and agreed as part of the planning application.

Reason: In order to preserve the character and visual amenity of the area and biodiversity of the protected trees adjacent the site.

11.2 Reason for Decision

The proposal represents an acceptable change of use for this location and will ensure a continued use for this building. There would be no significant adverse impact on the amenity of neighbouring properties and the proposal complies with Policy P3 Infill and householder developments within settlements (including home and work proposals). Also the works to protected trees and roots are acceptable to Policy PR1 Protecting important resources of the Aberdeenshire Local Development Plan 2017.

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