



78 CARDEN PLACE

ABERDEEN

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CHANGE OF USE

FROM CLASS 4 (OFFICE) TO CLASS 1 (SHOPS)

on behalf of

DIANE BRUCE



1 Introduction

- 1.1 Our client, Diane Bruce, is seeking planning permission for a change of use of the ground and lower ground floors of 78 Carden Place, Aberdeen from Class 4 (Business) to Class 1 (Shops) to accommodate a boutique shop (Carriages Prams) selling high-end prams, nursery furniture and other baby accessories.
- 1.2 In this statement, it is submitted that the proposed change of use:
- is in accordance with the Development Plan, specifically in terms of the vision, aims and objectives of the Strategic Development Plan and in relation to Policies B3, D1, D4, T2 and T3 of the Aberdeen Local Development Plan;
 - is supported by relevant material planning considerations, including bringing a net economic benefit to the area;
 - will not impact on the character of Albyn Place and Rubislaw Conservation Area, but will contribute to the protection and preservation of the historic environment by bringing a currently empty building back into active use; and
 - will make a positive contribution to the life and vibrancy of Carden Place and the surrounding area.
- 1.3 As the proposed change of use is in accordance with the Development Plan, and there are no material considerations that would suggest otherwise, the application should be approved.

2 Background

The application site

- 2.1 78 Carden Place is located in Aberdeen's West End office district, close to the Queen's Cross roundabout. It is also located in the Albyn Place and Rubislaw Conservation Area, but is not listed or subject to any other special designations.
- 2.2 The property currently comprises vacant office accommodation over ground and lower ground floors, extending to 274m² with a landscaped area to the front and 13 car parking spaces in a private car park to the rear, accessed from Albert Lane.
- 2.3 The property was previously occupied as an office by Plexus, an oil field technology company, but was vacated by them over three years ago, since when it has remained



vacant despite being continuously marketed for let or sale by Ryden, CBRE and Shepherd over that time. In this regard, the difficult office market in Aberdeen has been well documented, with the fall in the oil price and associated reduction in energy sector activity making that market particularly challenging, and with that more recently having been exacerbated by the Coronavirus pandemic. According to the Knight Frank 2020 property report for Aberdeen, there was 2.5 million square feet of office supply in the city at the time of publication, with nearly half of that located within the city centre. The report also notes that occupiers have been moving away from traditional cellular townhouse offices (of the type which is the subject of this application) to new, modern offices, with new build having a considerable advantage over older properties.

- 2.4 That trend is clearly evidenced in the west end, once the preferred office location for many occupiers, with the provision of new Grade A space in the city centre (such as The Capitol, The Silver Fin and MSQ 1 & 2) resulting in the relocation of many west end companies to these buildings to take advantage of modern open plan floor plates, excellent amenity (either within buildings or adjacent), sustainable construction and design and efficiency of space. In relation to Carden Place specifically, there are currently 12 other vacant properties in addition to number 78. There is therefore little to no prospect of number 78 being relet or sold for office use any time in the short to medium term.
- 2.5 Although located in an office area, it should be noted that there is in fact a mix of uses in close proximity to the application site, including the Leeds Building Society, Bupa Dental Care, and a number of banks (all Class 2) as well as the Rubislaw Parish and Queens Cross Churches (Class 10), Café Cognito at Queens Cross Church (Class 3) and residential properties (Class 9). In addition, prior to being destroyed by fire in 2019, the adjacent property at 70 Carden Place was occupied by Valentino's (formerly Dizzy's) Bar and Grill (Class 3), LeFerve Litigation and Bidwells Estate Agents (both Class 2). Notably, while there are not currently any Class 1 uses in the immediate vicinity of the application site, the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 allows changes to Class 1 use from both Class 2 and 3 uses without the need to apply for planning permission. As such, any of the premises currently in Class 2 or 3 use as described above could be re-purposed to Class 1 use without the need for a planning application, and it is against this background that the current application has been submitted and requires to be assessed.

The applicant's requirements

- 2.6 Carriages Prams Ltd is a family run business which offers a wide range of high-end prams, nursery furniture and other baby accessories from existing shops in Peterhead



and Boddam. In these locations, their business has focused on serving a niche market, offering private appointments as well as being open to passing trade and offering online sales. Testament to the business's popularity and success, they are now looking to expand with a new shop in Aberdeen which would operate on the same basis.

2.7 Given the bulky nature of the prams and nursery furniture sold, a key requirement for the new shop is for it to have parking for customers to collect their purchases, making many city centre retail units unsuitable for this. At the same time, the shop requires to be in a location that is accessible by sustainable modes of transport, including public transport, and of course for the new premises to be viable in business terms.

2.8 Taking this into account, Carriages Prams Ltd considered a number of other potential premises of an appropriate size and layout prior to making this application, but found these to be unsuitable as follows:

- 2 Schoolhill, Aberdeen - no front door parking and excessive rates;
- concession in Debenhams, Union Street - too much uncertainty surrounding the future of Debenhams due to the closure/potential closure of many of its High Street stores;
- Murcar Building, Bridge of Don - too costly to redevelop and very expensive rent; and
- Union Square, Aberdeen - foyer space too large for the area required and too costly for the business to be viable.

2.9 In contrast, 78 Carden Place has been identified as being a good fit for the business's needs, on the basis that this:

- is in a ready to move in condition, with minimal redevelopment costs;
- has excellent parking to the rear;
- benefits from a great location in Aberdeen's West End, which is easily accessible by all modes of transport; and
- is well suited to offering private appointments for a niche market similar to that which has been developed in Peterhead and Boddam.



3 Development Plan policy

- 3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan in this case comprises the Aberdeen City and Shire Strategic Development Plan (SDP) (2020) and the Aberdeen Local Development Plan (ALDP) (2017), the relevant policies of which are looked at in paragraphs 3.3 to 3.6 and 3.7 to 3.20 respectively below. This includes Supplementary Guidance which supports the ALDP, and which has the same weight in decision-making as the Plan itself.
- 3.2 It should also be noted that the Aberdeen Local Development Plan is currently under review, with the Proposed Aberdeen Local Development Plan 2020 having been published for statutory public consultation between 20 May 2020 and 31 August 2020. As the settled view of the Council on the format and content of the next Aberdeen Local Development Plan, this constitutes a material consideration in respect of the application. There is, however, nothing in the Proposed Local Development Plan that would alter the assessment of this application, with no significant changes to the relevant policies.

Aberdeen City and Shire Strategic Development Plan (SDP) (2020)

- 3.3 The SDP's vision is that, by 2040, Aberdeen City and Shire will have grown and evolved to become an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business. To make this vision a reality and to contribute towards the Scottish Government's central purpose of increasing sustainable economic growth, two of the SDP's main aims are to provide a strong framework for investment decisions which help to grow and diversify the regional economy, and to promote the need to use resources more efficiently and effectively.
- 3.4 Closely related to this, the SDP's objectives include making sure that new development meets the needs of the whole community and makes the City Region a more attractive and sustainable place for residents and businesses to remain, grow and relocate to. As part of that, the SDP states that brownfield sites should be given priority for development.
- 3.5 The SDP's objectives also include encouraging economic development and creating employment in a range of areas that are both appropriate for and attractive to the needs of different industries, with a target of having at least 60ha of marketable employment land available in Aberdeen City at all times. Against this target though, the most recent Employment Land Audit (further details of which are provided in



paragraphs 4.12 to 4.14 below) identifies 210ha of marketable employment land in the city, which clearly goes above and beyond the target set out in the SDP. If resources are to be used more efficiently and effectively as required by the SDP, this in turn suggests that better use should be made of vacant office buildings, such as that to which this application relates, through repurposing them for alternative uses as proposed in terms of this application.

3.6 Taking the above into account, bringing 78 Carden Place back into use as a shop as proposed in terms of this application clearly contributes to achieving the vision, aims and objectives of the SDP in a number of ways. Specifically, this would:

- make efficient use of an existing vacant property;
- ensure the long-term use and sustainability of an historic building which may otherwise remain empty, thereby improving the quality of the environment;
- introduce a new retail offering which will bring more people into the area and increase local spending, thus contributing to the economic vibrancy of the area as a whole and making it attractive to other potential business and local residents;
- support the expansion of a successful local business and create new employment opportunities associated with the proposed shop;
- have no impact on the availability of employment land in the city, the supply of which will continue to exceed demand; and
- be very accessible all modes of transport, thus also being sustainable in this regard.

Aberdeen Local Development Plan (ALDP) (2017)

3.7 In assessing the application against the ALDP, it should be noted that paragraph 1.14 of this stresses that it is important to remember that development proposals will be assessed against a number of policies within the Plan, and that the Plan must be carefully considered as a whole, with reference also to be made to national policy and the Strategic Development Plan.

3.8 Of particular relevance to this application, the ALDP highlights that the use of brownfield sites throughout the existing built-up area for appropriate uses will be encouraged, with such sites recognised as making a significant contribution to the overall sustainability aims of the Plan. As the application site comprises a vacant building, it clearly makes no contribution to the sustainable development of the city



at present, whereas the change of use proposed in terms of this application would make use of a brownfield site in a way that contributes to the sustainability of the local area and creates new employment opportunities in its own right. As such, the proposed development should be supported in line with the aims and objectives of the ALDP in this regard.

- 3.9 In terms of the ALDP's spatial strategy, the application site is located within the West End Office Area and is also part of the Albyn Place and Rubislaw Conservation Area, as identified above.
- 3.10 The ALDP identifies the West End Office Area as a prestigious, high quality office location on the edge of the city centre, which also contains a mix of other uses (including schools, hotels, flats and a hospital). The Plan also expressly notes that the area is readily accessible by public transport while, at the same time, providing car parking and space for expansion.
- 3.11 Proposals for development in this area should be considered against **Policy B3 – West End Office Area** which, while promoting the area as a focus for office development, does not actively seek to restrict changes to other uses, except where these will not protect existing residential amenity. Other than changes to office or residential use (which are required to meet a number of criteria and judged on their own merits respectively), the Policy is silent on proposed changes of use class. As such, the only relevant requirement of Policy B3 is the need to demonstrate that the proposed change will protect existing residential amenity (which, as discussed in paragraph 3.15 below, it is submitted it will). There is therefore nothing in this application which would make it contrary to Policy B3.
- 3.12 The ADLP also acknowledges that there is already a range of non-office uses in the West End Office Area, and as highlighted in paragraph 2.5 above, that is particularly true of the section of Carden Place in which the application site is located. The change of use of 78 Carden Place as proposed in terms of this application would not, therefore, be inconsistent with the character of the area.
- 3.13 Lastly in terms of Policy B3, the supporting text to the Policy highlights that the West End Office Area is also covered by a conservation designation and that proposals for development here should have regard to the relevant guidance in respect of that designation. This is addressed in paragraph 3.17 below.
- 3.14 Given the nature of the proposed development, the principle of this also requires to be assessed against **Policy NC4 – Sequential Approach and Impact** and **Policy NC5 – Out of Centre Proposals**, which together seek to ensure that development proposals



do not detract significantly from the vitality or viability of existing centres. Both these Policies however apply only to “*significant footfall generating development*”, with Policy NC4 only requiring a Retail Impact Assessment where a retail development comprises over 2,500m² gross floorspace or might otherwise have a significant impact on the vitality and viability of existing centres. The total retail floor space that would be created as a result of the proposed development would though be less than 250m², with the scale of this meaning that it would not be expected to generate sufficient footfall and thus would not have any adverse impact on the vitality and viability of existing centres. As such, there is no requirement for a Retail Impact Assessment and, in the absence of significant footfall being generated, neither Policy NC4 nor Policy NC5 are directly relevant to the proposed development. This notwithstanding, the proposed development complies with all the requirements for out of centre development as set out in Policy NC5, with regards to which it should be noted that:

- the bulky nature of the products to be sold mean that, while these could be considered appropriate to a commercial centre in principle, potentially suitable sites in any higher tier centres as set out in Policy NC4 are very limited, while the scale of the development proposed means that it would not be suitable to a commercial centre either;
- taking this into account, the applicant has looked at sequentially preferable sites as set out in paragraph 2.7 above, but has not been able to identify any that would meet their requirements;
- the small scale of the development means that there would be no adverse effect on the vitality or viability of any existing centres, as also set out above;
- there are very few shops selling such goods located anywhere other than in commercial centres (the only exception being John Lewis, which has on-site parking), with many people travelling to Carriages Prams Peterhead store to buy prams and other nursery equipment;
- the application site is easily accessible by all modes of transport as also set out above; and
- the small scale and nature of the development proposed mean that this would not have any adverse effect on travel patterns.

3.15 All applications should also comply with **Policy D1 – Quality Placemaking by Design**, which requires development to ensure high standards of design and have a strong and distinctive sense of place. It sets out six essential qualities of successful placemaking



against which all developments will be assessed, each of which is considered in turn as follows:

- *Distinctive* – by reusing a vacant building and bringing new life and vibrancy to the area;
- *Welcoming* – again by bringing the currently vacant building back into use, thereby making it generally more welcoming than it remaining vacant with a for sale/to let sign outside, and bringing more people into the area as a result;
- *Safe and pleasant* – with no noise, smells, vibration, dust, air quality, invasion or privacy or overshadowing arising from the proposed change of use, such that there will be no negative impacts on existing uses in the area, including residential amenity, and with the proposed development not causing any increase in the risk of flooding on the site or elsewhere;
- *Easy to get to/move around* – being well located for access by all modes of transport, including sustainable and active travel;
- *Adaptable* – with no physical alternations proposed to the fabric of the building, either internally or externally such that the building could easily be reinstated to its original, or indeed an alternative, use for future occupiers; and
- *Resource efficient* – in that the application is for the reuse of an existing building and hence is resource efficient.

3.16 With regards to the qualities of being ‘safe and pleasant’ and ‘adaptable’, it is also noted that these both look for flood risk implications to be minimised, inviting an assessment of the application site against SEPA flood maps. Related to this **Policy NE6 – Flooding, Drainage and Water Quality** generally does not support development that would increase the risk of flooding, or which would be at risk of flooding itself. In this regard, while SPEA flood maps do show that there is a risk of the application site flooding, the proposed change of use would not cause any increase to the existing flood risk. Likewise, as there would be no new built development on the site, the restriction that Policy NE6 places on development that would be at risk of flooding does not apply. Importantly, it should also be noted that the proposed new use would be no more vulnerable to the impacts of flooding than the existing use would be. As such, there is no conflict with Policy NE6 or the qualities of successful placemaking set out above.



- 3.17 Also related to design, **Policy D4 – Historic Environment** of the ALDP aims to protect, preserve and enhance Aberdeen’s historic environment, and supports high quality design that respects the character, appearance and setting of this. At the same time, the ALDP emphasises the role of the historic environment in, amongst other things, contributing to economic development and regeneration, and sustainability. However, this is only possible to achieve if historic buildings can be used for different purposes, as proposed in terms of this application. Given that there are no external works proposed to the building, the proposed change of use will have no adverse impact on the historic environment but rather will protect and preserve that by bringing a currently vacant property back into productive use.
- 3.18 In terms of access to the proposed shop, **Policy T2 – Managing the Transport Impact of Development** requires that new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and maximise opportunities for sustainable and active travel. In this regard, the proposed change of use is likely to have less of a transport impact than the existing office use would do due to customers coming and going over the course of a day, rather than at peak office times. In addition, as highlighted in paragraph 2.9 above, the application site is well located for access by all modes of transport, including sustainable and active travel, as well as benefiting from generous private parking as set out in paragraph 2.2 above, which complies with the Council’s parking standards.
- 3.19 In addition, as the application site is accessible by a range of transport modes, including active and sustainable transport, with ample space for bicycle and motorcycle parking in accordance with the Council’s standards, the application therefore also complies with **Policy T3 – Sustainable and Active Travel**.
- 3.20 Lastly in respect of relevant ALDP policies, **Policy R6 – Waste Management Requirements for New Development** requires all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable waste where appropriate. In this regard the application site has sufficient room for the storage of waste within the car park, with waste having been stored and collected from here during the previous office use of the building.]

4 Material considerations

Scottish Planning Policy 2014 (SPP), as revised December 2020

- 4.1 SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. As a statement of Ministers’ priorities, the content of SPP is a material consideration that carries



significant weight and, where development proposals accord with SPP, their progress through the planning system should be smoother.

4.2 As an overarching policy principle, SPP establishes a presumption in favour of sustainable development and sets out a number of further principles which require to be taken into account when determining whether this applies. These principles include:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies; and
- making efficient use of existing capacities of land.

4.3 In terms of these principles, the application very much responds to the current economic climate, where there is limited demand for office space, but there is demand for the alternative use now proposed. At the same time, in re-purposing a vacant building, the proposals make efficient and sustainable use of land, as also expressly supported by SPP. In this regard, SPP states that:

“Previously developed land (also referred to as brownfield land) is a potential source of sites for new development and planning authorities should support and promote proposals to bring vacant or derelict land back into productive use for development or to create more attractive environments.”

4.4 It also stresses that development of such sites is preferred to development on greenfield sites.

4.5 SPP then states that the planning system should allocate sites that meet the diverse needs of different sectors in a way that is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities, with Local Development Plans expected to take account of (amongst other considerations) current market demand and the potential for a mix of uses. In this regard, SPP states that:

“Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.” [paragraph 103]

4.6 Whilst it is accepted that this is a planning application, rather than a bid for reallocation, the same principles should apply and, in light of the demonstrable oversupply of office land in Aberdeen (see paragraphs 2.3 and 2.4 above and 4.12 to



4.14 below), alternative uses such as that proposed in terms of this application require to be considered positively.

4.7 SPP also states that the planning system should:

“Promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets.”

4.8 As this application is for the change of use of a currently empty building in a historic environment to support an expanding local business, with no physical changes proposed to the building itself, it would clearly increase economic activity whilst safeguarding the built environment of the Conservation Area. As such, it should be supported in accordance with the above principles of SPP.

Scottish Government Draft Advice on Net Economic Benefit and Planning (2016)

4.9 Related to SPP and the requirement to give due weight to net economic benefit, highlighted in the first bullet point above, is the Scottish Government’s Draft Advice on Net Economic Benefit and Planning, which aims to help developers and planning authorities capture the contribution of development proposals to the economy in a meaningful way, and to take account of this in planning decision making. This highlights that the level of detail of any assessment of net economic benefit should be proportionate to the likely scale of the benefit, with the small scale of the proposals in this instance meaning that no formal assessment has been undertaken. However, it is clear that a currently vacant building with no realistic prospect of being re-used as an office is providing no economic benefit to the city at present. Conversely, the re-purposing of this as proposed in terms of this application would clearly deliver a net economic benefit in terms of allowing a successful local business to expand, creating three new jobs in the business itself and contributing to the vitality of the area as a whole.

4.10 It is also possible that the building could be reused for its current office purpose at some time in the future but, particularly in the current economic climate, there is no certainty that will be the case. And, in any event, there is no evidence that its use as an office would in fact have a greater net economic benefit.

Aberdeen City and Shire Employment Land Audit 2018/2019 (ELA)

4.11 The ELA provides up to date and accurate information on the supply and availability of employment land in Aberdeen City and Shire (including both office and industrial



space) and identifies 210ha of marketable supply in Aberdeen City. As expressly recognised in the ELA, this significantly exceeds the targets set out in the SDP.

- 4.12 At the same time, the ELA recognises the impact that the change in the oil price since the end of 2014 has had on market activity and notes that, even with price stability at \$60 - \$65 per barrel anticipated in 2020 (and it should be noted that the oil price is currently considerably less than that, and has been for some time, with no prospect of that rising in the near future), whether this could translate to an increased take up rate of employment land remains to be seen. Meantime, there was a continued fall in the rate of development in Aberdeen City over 2018/19, with no new developments commencing in that period, and several previously completed sites in the City remaining vacant.
- 4.13 In terms of the ELA, there accordingly seems to be little or no prospect of 78 Carden Place being taken up for business in the current market, such that alternatives should be considered as proposed in terms of this application and in accordance with SPP.
- 4.14 The difficulties in securing future office use of the property are also highlighted in paragraphs 2.3 and 2.4 above, along with the absence of any offers for such use which make it even more important to consider alternative uses such as that proposed in terms of this application.

5 Conclusion

- 5.1 For the reasons given above, it is submitted that the proposed change of use:
- is in accordance with the Development Plan, specifically in terms of the vision, aims and objectives of the Strategic Development Plan and in relation to Policies B3, D1, D4, T2 and T3 of the Aberdeen Local Development Plan;
 - is supported by relevant material planning considerations, including bringing a net economic benefit to the area;
 - will not impact on the character of Albyn Place and Rubislaw Conservation Area, but will contribute to the protection and preservation of the historic environment by bringing a currently empty building back into active use; and
 - will make a positive contribution to the life and vibrancy of Carden Place and the surrounding area.



- 5.2 As the proposed change of use is in accordance with the Development Plan, and there are no material considerations that would suggest otherwise, the application should be approved.

