

LOCAL REVIEW BODY



210464/DPP– Review against refusal of planning permission for:

Change of use from Class 2 (Financial, professional & other services) to Class 10 (Public worship)

1st Floor, 41 Regent Quay, Aberdeen

Location Plan

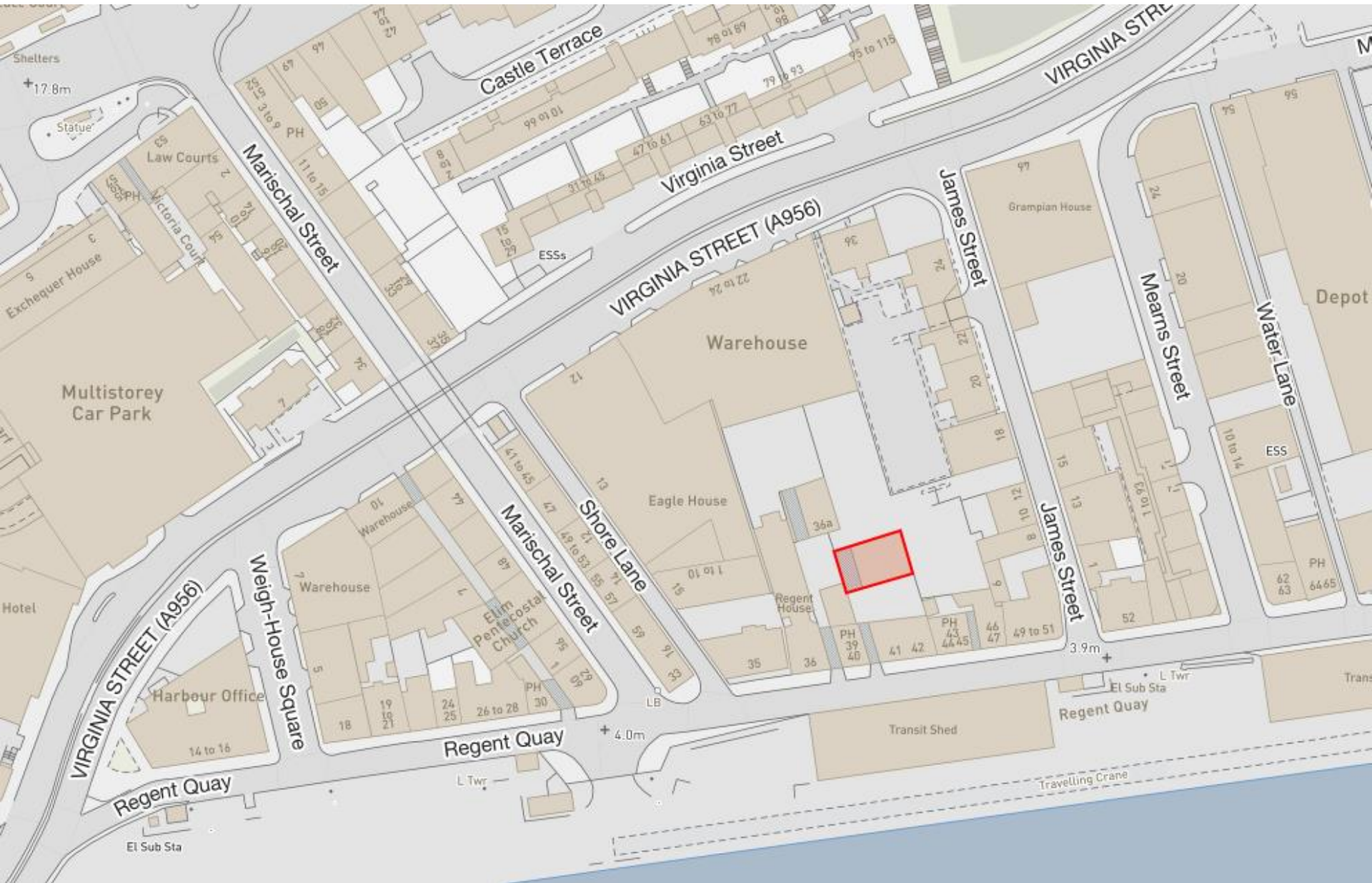


Photo demonstrating site

To Let, First Floor, 41 Regent Quay, Aberdeen, AB11 5BE



Location Plan (GIS)



Aerial Photo (GIS)



Site Photos

To Let, First Floor, 41 Regent Quay, Aberdeen, AB11 5BE



Site Photos

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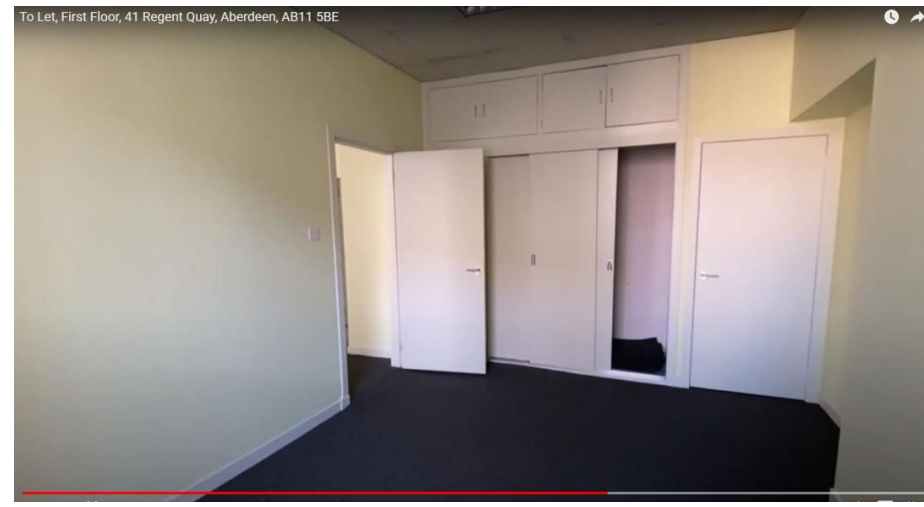


Site Photos

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Site Photos



Site Photos



Reasons for Decision

Decision notice included in agenda pack. Reasons as follows:

The proposed Class 10 use is considered to be suitably compliant with the relevant policies of the Aberdeen Local Development Plan, namely Policy H2 (Mixed Use Areas), Policy T2 (Managing the Transport Impact of Development), Policy T3 (Sustainable and Accessible Transport), Policy T5 (Noise) and the associated Supplementary Guidance documents 'Transport and Accessibility' and 'Noise'. The proposal would not conflict with surrounding land uses in the locality, with no significant detrimental impact in respect of on-street parking over and above that associated with the existing use. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application.

One condition attached to that decision:

Noise/amplified music

1. That no amplified music, public announcement equipment or noise emitted from the use of microphones/speakers or other forms of audible entertainment including singing and acoustic performances shall take place at the premises hereby approved between the hours of 10:00pm and 10:00am.

Reason – in order to ensure that the proposed use does not result in excessive noise to the detriment of residential amenity.

Applicants' Case

- *On Sundays, we have five sessions for worshippers, occurring at different times from 6 am – 3 pm. It helps to control capacity and limit noise. Music and song are essential for our worship. They are done moderately and at levels that do not encroach. Eg. These activities are contained within the premise of our London branch, such that no nuisance is created. More so, the proposed property in Aberdeen is at some distance from residential homes and our activities will not have an impact.*

Policy H2: Mixed Use Areas

Policy H2 - Mixed Use Areas

Applications for development or change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. Conversely, where new industrial, business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.

- Emphasis on relationship with neighbouring uses and avoidance of undue conflict
- New commercial uses should not adversely affect amenity of those living and working in the area

Policy T2 (Managing the Transport Impact of Development)

Policy T2 - Managing the Transport Impact of Development

Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance.

The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation.

Further information is contained in the relevant Supplementary Guidance which should be read in conjunction with this policy.

Policy T3 (Sustainable and Active Travel)

Policy T3 - Sustainable and Active Travel

New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Street layouts will reflect the principles of Designing Streets and meet the minimum distances to services as set out in the Supplementary Guidance.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes.

Recognising that there will still be instances in which people will require to travel by car, initiatives such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

- Emphasis on encouraging active and sustainable travel (e.g. walking, cycling, public transport)
- Need to protect existing links and form new ones where possible
- Scope to also encourage car sharing and low-emissions vehicles, with associated infrastructure

Policy T5 (Noise)

Policy T5 – Noise

In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

There will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing, while housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.

Development within or near to Candidate Noise Management Areas (CNMAs) and Candidate Quiet Areas (CQAs) will not be permitted where this is likely to contribute to a significant increase in exposure to noise or a deterioration of noise conditions in these areas, or where this will reduce the size of, or cause an increase in the noise level within, the CQA.

Further information on NIAs, CNMAs and CQAs, including maps of these areas, can be found in the relevant Supplementary Guidance which should be read in conjunction with this policy.

- Noise Impact Assessments central to consideration
- Presumption against noisy developments being located close to noise sensitive uses

Points for Consideration:

Principle: Do members consider that the proposed use can be accommodated in an H2 (Mixed Use) area without adverse impact on existing uses, both commercial and residential?

Do members consider that the proposal would accord with the other relevant provisions of the Development Plan (e.g. parking, accessibility, policy T5 on noise)? Are there any other material considerations that point towards approval or refusal?

Noise: Having regard for the consultation response provided by ACC's Environmental Health Team, do members consider that any restriction on amplified music, singing and performance is appropriate to safeguard residential amenity? If so, what hours should any such restriction cover?

- 1. Does the proposal comply with the Development Plan when considered as a whole?**
- 2. Are there any material considerations that outweigh the Development Plan in this instance?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)