

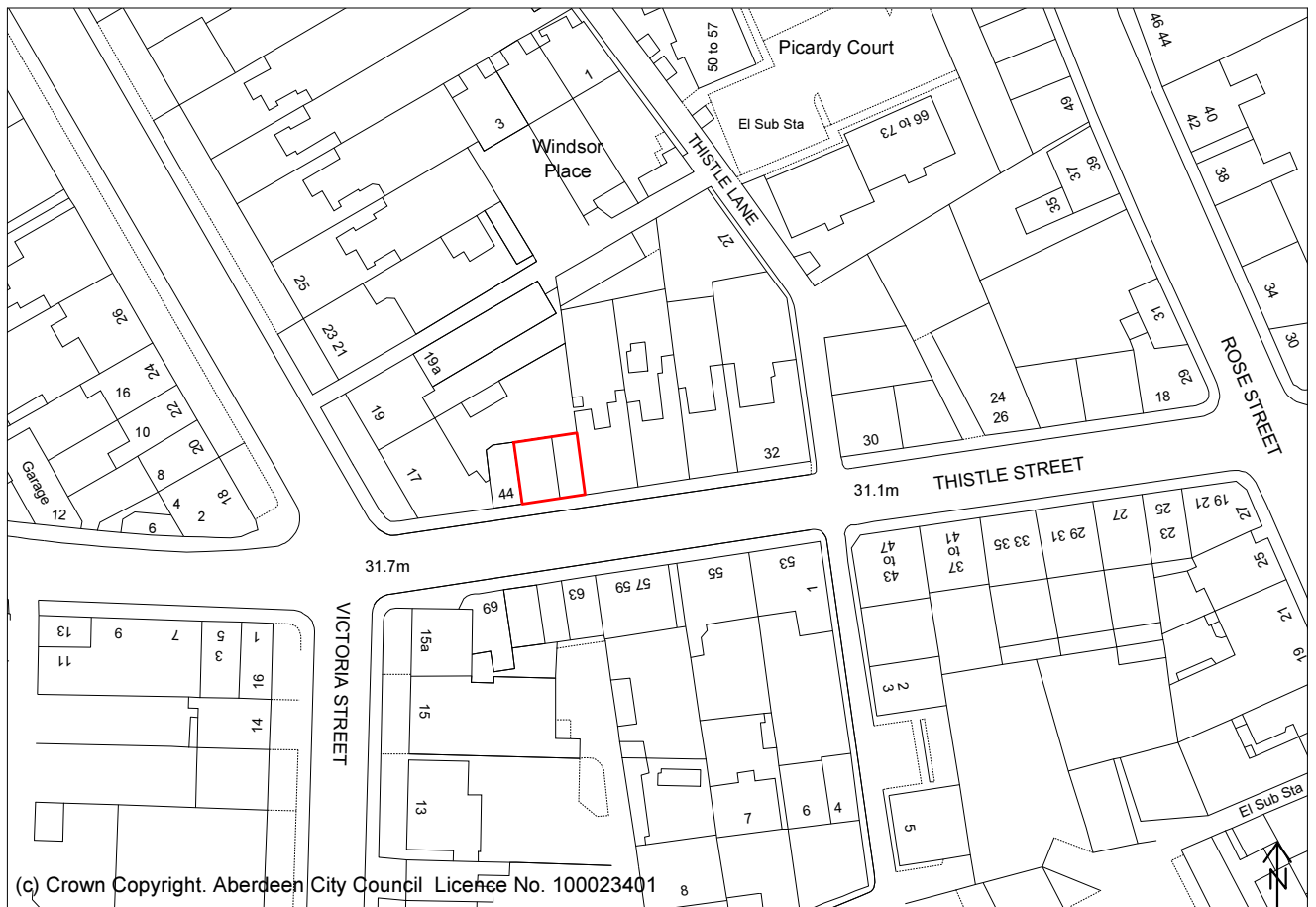
40-42 THISTLE STREET, ABERDEEN

PROPOSED CHANGE OF USE FROM
DRESS SHOP (CLASS 1) TO EAT-IN
LICENSED RESTAURANT (CLASS 3)

For: Mrs Jiaolan Bowden

Application Ref. : P120314
Application Date : 01/03/2012
Officer : Robert Forbes
Ward: Midsocket/Rosemount (B Cormie/J
Laing/J Corall)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 14 March 2012
Committee Date : 19 April 2012
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The site comprises a vacant shop unit with a floor area of approximately 135 square metres. It is located in a traditional single storey building with a slate clad pitched roof. It has a glazed frontage with a recessed entrance door onto Thistle Street. The land to the rear of the building does not lie within the site and has no access from the street. The adjacent premises to the west is used by an estate agent. The building abutting the site to the east is a traditional 2 ½ storey granite tenement with commercial use on the ground floor and flats above. There are no windows in the gable wall of that premises overlooking the site. The single storey building to the north of the site accessed from Windsor Lane is used as a meeting hall. Beyond this lies residential flats facing Victoria Street. To the south of the site on Thistle Street are a mix of commercial uses at ground floor (including a French bakery) with residential flats above facing the application site.

HISTORY

None of relevance to this proposal.

PROPOSAL

Full planning permission is sought to change the use of the premises to a licensed restaurant. The agent states that this would be of a nature unique to the UK and that limited cooking would take place on the premises. Consumption of alcohol would only be with meals and there would be no take-away service. The proposed operating hours would be from 11am to 10pm, with no opening on Sundays. No external alterations are proposed and the existing access would remain. The submitted plans indicate that refuse storage would be in the basement. The proposed internal alterations do not require planning permission.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been advertised as a project of public concern and so does not fall within the Council's scheme of delegation.

CONSULTATIONS

ROADS SECTION – No objection;

ENVIRONMENTAL HEALTH – No objection. Request that conditions be imposed regarding restriction of cooking, ventilation, noise and refuse storage in order to protect residential amenity;

COMMUNITY COUNCIL – No response received.

REPRESENTATIONS

A supporting statement has been produced by the agent in attempt to justify the proposal. The agent states that planning permission should be granted subject only to a condition prohibiting deep fat frying.

Three letters of objection have been received from local residents. Their concerns relate to adverse impact on residential amenity (generation of odours, late night noise, refuse), traffic generation / car parking, overprovision of / lack of demand for such premises.

PLANNING POLICY

The site lies within an H1 residential policy area as identified in the Aberdeen Local Development Plan. It lies outwith the City Centre boundary as designated in this plan and is not identified as lying within a retail centre or a conservation area.

SPP is relevant with regard to town centres and economic development.

EVALUATION

This application requires to be determined in accordance with the Development Plan, unless outweighed by other material considerations. The development plan consists of the Adopted Local Plan and the Approved Structure Plan. Scottish Government planning policy (SPP) is a material consideration in this case.

As the proposal does not raise any issues of strategic nature, the structure plan is not of particular relevance in this case.

Subject to imposition of conditions restricting the nature / intensity of / regulating the use and addressing the amenity concerns of the objectors, it is considered that the proposal would have no adverse impact on residential amenity and would therefore accord with the development plan zoning policy.

As the proposal would provide a service which would complement the commercial function of the city centre, it would accord with the objective of enhancement of the vitality and viability of the city centre and with related planning policy in SPP. By securing additional employment creation in an appropriate location, it would also accord with the objective of Sustainable Economic Growth.

Given the proximity of the site to the city centre, where public transport is focused and given the likelihood of a high proportion of patrons using sustainable transport modes (such as walking) the proposal accords with the relevant transport policies in the local plan and in SPP. Given the central location and the existing commercial use, provision of car parking provision is considered to be unnecessary. The other concerns raised by the objectors regarding lack of need for the use or overprovision of such premises are not in themselves material planning considerations and should therefore have no bearing on determination of this application. It is considered that the concern regarding drainage does not warrant refusal of the application as the change of use would have little effect on existing foul drainage infrastructure and there would be no increased rate of surface water discharge.

In conclusion it is considered that, subject to imposition of conditions, the proposal would accord with the local plan and the other material considerations favour approval.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

Subject to imposition of conditions restricting the operation of / regulating the use, the proposal would have no adverse impact on residential amenity and would therefore accord with the development plan.

it is recommended that approval is granted with the following conditions:

- (1) that the use hereby granted planning permission shall not take place unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from the premises has been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation - in order to preserve the residential amenity of the neighbourhood.
- (2) that the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and storage of recyclates in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the residential amenity of the neighbourhood and in the interests of public health.
- (3) that, notwithstanding the use of the premises as a restaurant hereby approved, no cooking/frying operations or hot food preparation shall be carried out on the premises other than in complete accordance with the written appendix to the permission hereby granted, as referred to in the agent's letter dated 24/2/12, unless the planning authority has given prior written approval for a variation - in order to prevent the creation of nuisance to nearby residential premises by the release of odours.
- (4) that the restaurant hereby approved shall not operate outwith the hours from 8.00 am until 11.00 pm on any day, unless the planning authority has given prior written approval for a variation - in order to preserve the residential amenity of the neighbourhood.

Dr Margaret Bochel

Head of Planning and Sustainable Development.