

**PROPOSED EAT-IN LICENSED RESTAURANT
40-42 THISTLE STREET ABERDEEN AB10 1XD**

**Application for Planning Permission
Supporting Statement
including
Design and Access Statement**



for
Mrs Jiaolan Bowden
by

RBCTP

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23 February 2012

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Application for Planning Permission Supporting Statement including Design and Access Statement

Introduction

This statement has been prepared by RBCTP Town Planning on behalf of Mrs Jiaolan Bowden, and accompanies the application for planning permission for a change the use to an eat-in licensed 'hot-pot' restaurant with a maximum of 26 covers. The currently vacant single-storey-with-basement lock-up shop was formerly used as *Image* dress shop (Class 1). No external alterations are proposed in this application. The proposal has been developed following pre-application consultation with Robert Forbes, Raymond Morrison, Michelle Thomson, Grant Tierney and Gordon Spence, all officers of Aberdeen City Council, whose assistance is gratefully acknowledged.

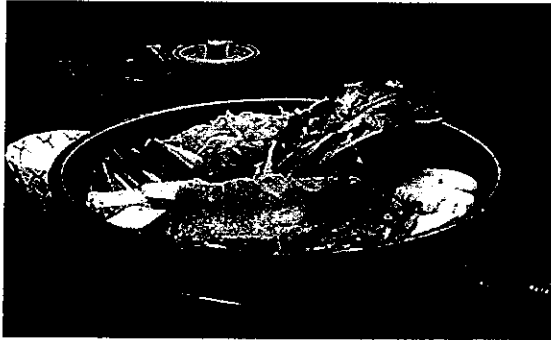
The Proposed Use

Hot pot restaurants are popular in China and Japan (where it is known as *sukiyaki* or *shabushabu*) but, as far as is known, the proposed use would be unique in the UK. Diners are supplied with rice, broth or soup and small pieces of finely prepared raw foods from the kitchen. The latter, typically comprising thinly sliced meats, fresh seafood and vegetables, are then cooked in the simmering broth/soup (using chopsticks or tongs) at individual mini induction hobs set into the food bar and dining tables and, once cooked, eaten with the rice. It is casual dining with a fascinating atmosphere at competitive prices. The intention is to provide affordable, good and swift service, healthy eating, convenience and authenticity to customers. The dining area would extend to 39m² and customer toilets 14m². Gross floor area including kitchen and basement areas is 135m². Between eight and 12 full and part-time jobs would be created, comprising both skilled (chefs) and unskilled (waiting) staff.



Consumption of alcohol will be very much ancillary to the restaurant use and sold only as part of the specialist dining experience (e.g. sake with meals). There will be no take away or delivery service and the hours of operation will on the whole coincide with other eating establishments in the surrounding area. Currently these are proposed to be 11.00 am - 2.00 pm and 5.00 pm - 10.00 pm, Mondays to Saturdays. There would be no opening on Sundays.

Hot pot, like sushi, ticks all the boxes for healthy eating. It uses the freshest ingredients, applies the simplest cooking methods and is almost free of fat and grease. The proposal fully supports the Scottish Government's *Healthy Eating: Active Living* strategy,¹ which promotes beneficial lifestyle change and discourages unhealthy diets. The business will contribute to the local economy. It will bring fresh ideas, incentives,



vitality and new supply and demand to the market.

The Location

This West End city centre site is part of the Aberdeen Business Improvement District, whose vision is:

'to make Aberdeen City Centre one of the most vibrant, attractive, prosperous and liveable city centres in Northern Europe. The role of the BID Company is to stimulate the economy, improve on the existing attractiveness, and to market the city centre as a destination of choice'²

Businesses here have a mainly boutique character and an attractive atmosphere. The whole area offers a variety of eating, drinking, leisure and shopping opportunities to consumers. Retail and class 2 uses adjoin the application site and such uses continue along Thistle Street from the city centre core through and beyond the application site westwards as far as the junction with Victoria Street. Immediately to the east of the application site, flatted upper floor tenement flats present a high gable wall (with no openings). The property shop adjoining the application site to the west is single storey, forming part of the same range of buildings as the application premises.

Policy Background

1. Scottish Planning Policy

Scottish Planning Policy (SPP) regards town (including city) centres as a key element of the economic and social fabric of Scotland. Their role includes providing services for local communities and making an important contribution to economic growth. They should be the focus for a mix of retail, leisure, entertainment, recreation, cultural and community facilities as well as homes and businesses. Retail and leisure uses are fundamental to town centres and planning authorities should support a diverse range of community and commercial activities there. The range and quality of shopping and wider economic and social activity are amongst the key

¹ <http://www.scotland.gov.uk/Publications/2008/06/20155902/10>

² <http://www.aberdeenbid.org/The-Vision-for-Aberdeen/Aberdeen-City-Centre.aspx>

influences on the success of a town centre.³ Social activity in both the day and night time is one of the key elements of successful town centres.⁴ The evening economy should be encouraged in appropriate centres to ensure life and activity outwith usual retail hours⁵. Town centres are first order locations for all retail and commercial leisure uses.⁶ Where development for town centre uses is proposed within a town centre, assessment of its impact on the viability of similar uses is not necessary.⁷

2. Structure Plan

The Aberdeen City and Shire Structure Plan August 2009 (ACSSP) encourages economic development⁸ and considers that a strong service sector, particularly retail and tourism, will have a role to play. It is very important that retail services are promoted to guarantee the vitality and viability of town centres, while creating opportunities for growth in the economy. It is particularly important to support Aberdeen City Centre to improve regional shopping facilities⁹. ACSSP targets Aberdeen to be one of the top-25 retail areas in the UK by 2030.¹⁰ ACSSP supports existing retail centres.¹¹

3. Local Development Plan

The Aberdeen Local Development Plan (ALDP) applies the National Planning Framework 2 (NPF2), confirming the importance of strengthening Aberdeen's role as Scotland's northern gateway and broadening the city's economic base, including:

- developing cultural and recreational facilities to create a more vibrant social scene; and
- attracting more tourists to the city and expanding the service sector...¹²

The ALDP spatial strategy promotes the city centre as the commercial, economic, social, civic and cultural heart of Aberdeen. A vibrant city centre is seen as vital to Aberdeen's future prosperity and to sustaining its attractiveness as a place to live and visit. A strong and thriving city centre is a key attribute in delivering the wider strategic aims of the ACSSP and the ALDP seeks to enhance its role as a key commercial centre.¹³ The city centre plays a major role in the commercial, economic, social, civic and cultural life of Aberdeen and the North East. It is an important regional centre providing a focus for employment and business interaction, offering access to a wide range of services and a place where people meet socially and choose to live

³ SPP para 52.

⁴ *ibid.* para 54.

⁵ *ibid.* para.58.

⁶ *ibid.* para.62.

⁷ *ibid.* para. 63.

⁸ ACSSP. Objective p.13.

⁹ *ibid.* para 4.2.

¹⁰ *ibid.* 'Targets' bullet point 4, p. 13.

¹¹ *ibid.* para. 4.31.

¹² ALDP para. 1.7.

¹³ *ibid.* para. 2.1.

and visit.¹⁴ It is vital for the future prosperity of Aberdeen that the city centre is enhanced and promoted as a safe, attractive, accessible and well connected place which contributes to an improved quality of life. The Business Improvement District has a recognised role in positively promoting the city centre¹⁵ and reinforces the role of the city centre as a regional centre.¹⁶ Policy C1 requires development in the city centre to contribute to the delivery of the vision for the city centre expressed in the City Centre Development Framework (CCDF):

“Successful places are sustainable and adaptable to changing circumstances in social, economic and environmental conditions, in other words dynamic.”¹⁷

As such the city centre is the preferred location for retail commercial and leisure development serving a city-wide or regional market.¹⁸

The ALDP recognises that support facilities such as shops, leisure facilities, etc. can make an important contribution to the city's employment areas.¹⁹ ALDP encourages and promotes the continual development of the prestigious, high quality West End Office Area.²⁰

ALDP recognises retailing as a major activity in the city centre and that, as the region's main shopping centre, it is important to maintain and improve the visitor experience on offer to maintain Aberdeen's strength and competitiveness. Improvements will be encouraged to consolidate and enhance Aberdeen's position as one of the UK's leading retail destinations.²¹ Although the boundary of the City Centre shown in the ALDP Proposals Map runs along the road immediately in front of the application premises, which are designated as part of an H1 residential area, the application site contains no residential use and the premises form part of the Aberdeen Business Improvement District. The premises are both visually and functionally part of the city centre. Strictly applying policy H1, however:

- the proposal can be considered complementary to residential use, since it would offer meals to residents in the many flatted houses in the city centre and residents of the wider area, who may choose to eat out rather than cook for themselves; and provide them with a venue to entertain visitors; and
- the proposal would cause no conflict with, or any nuisance to, the enjoyment of residential amenity. In particular, the ventilation requirements for this type of cooking are not onerous, but fully suitable ventilation equipment will be provided on the basis of advice provided by the client's ventilation engineer (See attached ventilation statement²²). No

¹⁴ *ibid.* para.2.8.

¹⁵ *ibid.* para 2.9.

¹⁶ *ibid.* para 2.11.

¹⁷ CCDF, p.4.

¹⁸ ALDP. Policy C1 *City Centre Development - Regional Centre*.

¹⁹ *ibid.* para. 3.30.

²⁰ *ibid.* para.3.34.

²¹ *ibid.* 3.56.

²² 42 Thistle Street - Proposed Ventilation System

deep fat frying will take place. Agreement has been reached during pre-application discussions with Raymond Morrison, environmental health Authorised Officer, that a planning condition may be imposed to this effect and that no tall flues will be required to disperse the extracted air. The adjacent property to the east (retail on ground floor) has a tall gable wall with no openings facing the site and properties across the road and adjacent to the west are single storey retail / class 2 premises. The properties either side of Victoria Street as far as Windsor Place are also in commercial use.

4. City Centre Development Framework

The CCDF Principles²³ aim to create and maintain a "sense of place" in Aberdeen City Centre; seek to enhance Aberdeen's unique identity; and to ensure that appropriate connection is made to and throughout the City Centre. The principles include:

- Distinct identity
- Safe and pleasant environment
- Easy to move around
- Welcoming
- Adaptable
- Sustainable

The CCDF defines the West End of the City Centre as the area to the north of Union Street from Huntly Street west, including Chapel Street, Summer Street, Rose Street and Thistle Street, connecting to Union Street. It is seen as a transitional zone between the business-orientated Albyn Place and the more retail focused City Centre²⁴. The area currently offers a variety of uses including speciality retail, housing, business, hotel and entertainment. There are a number of small shop units and businesses within the West End. Many of the streets also have their own distinct character and uses contributing to their success. The smaller streets off Union Street have smaller more niche shops. Further encouragement should be given to local shops and businesses operating in this area. The development of smaller shop units should be encouraged in the West End, which is a good example of Mixed Use with an identity of small niche shop units. There is an opportunity to maintain and enhance the vitality, vibrancy and viability of the West End and to develop a niche market retail strategy in the medium term.

5. Conservation Area

The application premises fall outwith any conservation area designation, although the boundary of conservation area 4 runs a short distance to the west and north. This boundary separates the grander traditional granite terraces of Victoria Street from the more humble single storey buildings (including the application premises) either side of Thistle Street. The character

²³ CCDF p.6.

²⁴ *ibid.* para 5.7, pp 54-55.

of the application premises is therefore distinct from that of the conservation area and subordinate to it. No material alterations are proposed to the exterior of the application premises. Whilst the proposed change of use would result in a modest increase in the vitality of the area, no effect on the character of the conservation area is anticipated.

Design and Access

Although there would be no material alterations to the exterior of the property other than redecoration and new signage, the internal layout of the premises would be designed to give views from the street to the open kitchen and dining areas through the full display windows and glazed doors. This will bring activity and interest to the street scene for passers-by. Lighting would be designed to highlight internal activity and not to spill onto the street. The proposed change of use would increase the vitality of the area by accommodating an increased amount of coming and going compared to the previous specialist dress shop and by providing views of activity within the building compared to the previous static window displays.

Ready wheelchair access is available to the premises through the front door, which has no step. A fully accessible disabled toilet and conventional male and female toilets are provided, all at ground floor level. There is sufficient wheelchair circulation space. Moveable tables and chairs allow flexibility of layout so that it can be adapted to particular needs. Places suitable for wheelchair users will be provided.

Pre-application consultation has taken place with Michelle Thomson, Authorised Officer at Kittybrewster Depot, who has agreed waste collection arrangements and the bin storage configuration shown in the planning application.

Ventilation arrangements are set out in the accompanying document²⁵, based upon information provided by the client's ventilation engineer and following consultation with Raymond Morrison, environmental health Authorised Officer. The requirements are undemanding but are designed to be fully effective against odour and noise emissions, being fitted with filters and insulated as required. They will be visually unobtrusive.

The application site falls within Zone 1 of the Council's parking standards.²⁶ By these standards, non-food retail outlets (<1000m² GFA) such as the currently authorised Class 1 use have a *maximum* car parking requirement of

²⁵ 42 Thistle Street - Proposed Ventilation System

²⁶ As contained in *Transport & Accessibility Supplementary Guidance (Version 2) September 2011*.

one car parking space per 70m² floor area, whereas restaurants and cafes have a *maximum* requirement of 1 per 40m².

- With a gross floor area of 135m² the difference in *maximum* car parking demand is therefore:

Proposed Use: Restaurant	$135 \div 40 = 3.375$
Existing Use: Class 1, non-food	$135 \div 70 = 1.928$
Difference	$= 1.447$

Given that these are *maximum* car parking spaces, that the area is highly accessible on foot, by taxi throughout the day and night and by other readily available public transport, there will be no material effect on parking demand arising from this proposed change of use.

Unilateral on-street pay and display parking is available opposite the application premises and in nearby streets. Non-pay car parking is widely available throughout the surrounding area after 6 pm, when 'working day' parking restrictions are lifted. Further parking space is available within easy walking distance at Chapel Street multi-storey car park and at other city centre locations. There are no loading restrictions.

Regular bus services to all parts of the city and Aberdeenshire are available from Union Street, from where night buses also run hourly or half-hourly until approximately 0330 to all parts of the city. Taxis are available at a rank in nearby Chapel Street and elsewhere within the city centre. Late at night, taxis are available instead on Union Street at its junction with Summer Street. (However, the applicant has no intention of opening at late hours). Aberdeen railway station is within reasonable walking distance.

Planning Assessment of the Proposal

This proposal fully accords with national, regional and local policies for this West End city centre location and would help to fulfil the vision of the Aberdeen Business Improvement District. In particular it will:

- provide a service to the local community and contribute to economic growth
- provide eight to 12 skilled and unskilled part- and full-time employment opportunities;
- contribute to the necessary mix of city centre uses, extend the range of social and economic activity in the city centre in both day and night time and encourage the evening economy;
- encourage tourism and other retail uses and improve the viability and vitality of the West End shopping area;
- support Aberdeen city centre as a regional shopping centre and its quest to become a top-25 UK retail area;

- develop Aberdeen's cultural and recreational facilities to create a more vibrant social scene and expand the service sector;
- provide a venue for business interaction and a place where people can meet socially and which contributes to an improved quality of life;
- provide a destination for residents and visitors;
- help deliver the vision of the CCDF by adapting the use of premises in a sustainable location to changes in economic and social conditions;
- be in the Council's preferred location for retail, commercial and leisure development that will serve a city wide and regional market;
- provide a support facility for workers in the adjacent West End Office Area;
- be complementary to residential uses in the general area and have no adverse effect on residential amenity;
- support the distinct identity of the West End shopping area as a recognised speciality niche retail, businesses and entertainment area; and as a somewhat quieter, more domestic scale part of the city centre providing a degree of refuge from the size, noise, hustle and bustle of Union Street;
- Help to make the area welcoming;
- have no adverse effect on the character of the adjacent conservation area;
- improve vitality by providing interesting views from the street of activity within the premises rather than static window displays and by increasing the footfall to and from the proposed restaurant;
- provide for ready access by disabled customers, including those in wheelchairs;
- be unobtrusive;
- have no material adverse effect on car parking demand;
- have nearby public transport readily available at all times; and
- be within easy walking distance of all other city centre uses.

Conclusion

This proposal will make a positive contribution to the immediate area and to the city centre as a whole. It is in a sustainable location. The proposed use is appropriate to the area having regard to the development plan and other material considerations. Planning permission should be granted for it, subject only to a planning condition prohibiting deep-fat frying at the premises.

From: ALEX DUNNETT.
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Date: 20/03/2012 12:09
Subject: Planning Permission Application number 120314

REFERENCE APPLICATION NUMBER 120314

Change of use for:
40-42 THISTLE STREET
ABERDEEN
AB10 1XD

DATED 08 March 2012

Dear Sir, /Madam,

Having received the proposed eat in licensed restaurant at the above address, I have now had time to reflect on the matter and I have grave concerns which I wish to raise in objection to the application on the following grounds :-

- Having personally raised concerns with the previous owners through the council regarding the collection of garbage and use of residential bins I cannot believe that changing from a clothes shop to a restaurant would improve this situation, in fact all parties concerned would agree that this very important environmental issue would most certainly deteriorate.

- I have read the plans for the new ventilation system which has been recommended, I am no expert with regards to this system but I must raise my objection that any restaurant would create odours and gases which is not fair to the residents nor the environment.

- I see they are to request a licence for the restaurant, surely there are enough drinking establishments in this area and another one would only increase the noise and disturbance late into the evenings (possibly early hours depending on the licence) once again you are putting another stress on to the local residents living in this area, whom have a right to a fair nights rest throughout the week and weekends.

- I see there is no mention to improvements to the local drainage system, surely having a restaurant would only increase the quantities of fluids onto this system and possibly create future problems to the local area ?

- As the council is fully aware of, is the major parking problem within this area, to open a restaurant this would bring more traffic to the area and inconvenience not only to local residents but other small businesses that are located in this area – this must be addressed before approval should be considered.

I read in the application that the restaurant would make a 'positive contribution to the immediate area' I for one fully encourage improvements to Aberdeen City Centre in any way I can but I truly believe that the creation of a restaurant in this area is NOT positive and will lead to further deterioration and health risks in the area in the near future.

Submitted for your action & information.

Kindest regards

Alex Dunnett
59 Thistle Street
Aberdeen
AB10 1UY

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 3/13/2012 9:19 pm
Subject: Planning Comment for 120314

Comment for Planning Application 120314
Name : Lorraine McIntosh
Address : 55 Thistle Street
ABERDEEN
AB10 1UY

Telephone : _____
Email : _____
type :

Comment : I do not believe that this application is appropriate and would like to object in the strongest terms. This is a residential street which already has a parking problem and a litter problem. We currently have numerous fast-food and sit-in restaurants in the area with no capacity for parking. In the evenings the street is blocked with cars parking in dangerous positions and I fear that emergency access would be impossible on many occasions. We already suffer from an excess of litter from current establishments with no facilities provided to the current food-providers and they therefore leave boxes outside or use the public provided bins. There is no demand for another restaurant in this area.

My final request to be taken into account in objecting to this application would be that this shop is not designed to be a restaurant and that there is no adequate fan provision and that the smell from this establishment would be detrimental to this residential area.

From: "Wilson"
To: "Planning Application" <pi@aberdeencity.gov.uk>
Date: 15/03/2012 12:19
Subject: 40-42 Thistle Street

Thank you for your acknowledgement of my email of 9 March regarding the above property. I am afraid I inadvertently pressed the send button before explaining my objections to the change of use of 40-42 Thistle Street to you. My objections to the proposal is as follows:

1.. There are enough eating establishments the surrounding area, e.g. in Rose Street, Chapel Street, Holburn Junction and Union Street

2.. Parking is difficult at the best of times in Thistle Street and a restaurant at 40-42 will only exacerbate the situation. Thistle Street is a favourite parking area for non-residents and very often, we who live here, have to tour the surrounding streets that covers our parking permit in order to find a legal parking space.

3.. 38 Thistle Street directly adjoins 40-42 and cooking smells will undoubtedly permeating the whole of this building.

4.. There does not appear to be viable access to the rear of the building and therefore the location of refuse bins is a concern and also how the bins will be secured, bearing in mind they will contain food waste that can attract vermin.

5.. Noise from the patrons particularly late at night.

I accept that it is preferable 40-42 Thistle be occupied rather than empty as it is at present. However, a change of use from a ladies fashion business, to an eating establishment is not acceptable and I feel that the application should be rejected.

Thank you for taking the time to read this email.

Frances C Wilson
1st floor flat
38 Thistle Street
Aberdeen

email!
tel!

From: "Wilson" [redacted]
To: "Planning Application" <pi@aberdeencity.gov.uk>
Date: 09/03/2012 15:16
Subject: 40-42 Thistle Street

I have received notice of the application to Aberdeen City Council in relation to the above premises today.

I write to strongly object to the change of use from a dress shop to an eat-in licensed, restaurant.