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Enterprise Planning and Infrastructure Department
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
ABERDEEN, AB10 1AB

5 March 2012

Dear Sirs

Karen McDonald
233 North Deeside Road, Peterculter
Notice of Objection: Application No. 120193
Proposed Development at 225 North Deeside Road, Peterculter, AB14 0UJ
Applicant: Cocoa Ooze

We act on behalf of Karen McDonald of 233, Beechwood, North Deeside Road, Peterculter, on whose behalf we would wish to object formally to the Planning Application in respect of retrospective change of use from Class 1 to mixed use Classes 1 and 3 including outdoor seating area.

Our client objects to the proposed Change of Use classification on two principal grounds:

- (i) the emphasis of the business towards parties and group events and courses leads to dangerous road and parking conditions; and
- (ii) the Applicant's proposed use will lead to significant noise and disturbance to the occupiers of residential properties in the immediate vicinity.

Dangerous Road Conditions

Cocoa Ooze is situated on the very busy North Deeside Road. We are advised that, from personal observations made by our client, cars often park on the double yellow lines outside to enter the shop. This materially restricts open road visibility when trying to negotiate onto North Deeside Road by car from the narrow single lane side road. This narrow lane is a few yards along from the premises. This is a very real danger to motorists and pedestrians alike. In our client's opinion, this is an accident waiting to happen and is clearly a road safety hazard.

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The parking problems are exacerbated when the children's parties and demonstrations are being held. Our client has observed vehicles parked half on the pavement on the aforementioned side road, thus causing dangerous congestion and restriction.

Noise and Disturbance

From the information which has been made available to us by our client, we are advised that there has been significant noise and disturbance emanating from the Premises which is a situation which has prevailed since the Applicant took occupation of the premises prior to the application having been made. Please note the terms of the enclosed copy letter which our client submitted previously to the Enforcement Officer of your Council on 14 November 2011.

We have been advised by our client that "Cocoa Ooze" run their premises over long periods each day. Part of their business model is to encourage large groups of adults and children to attend public events and parties at the premises which involve a demonstration of chocolate-making.

For the record, our client is in no way trying to hamper or otherwise restrict the business enterprise of the Applicant's company. However, a balancing compromise needs to be achieved between the requirements of allowing our client and other neighbouring proprietors to enjoy the peaceful and quiet possession of their own properties without un-necessary and unwelcome disturbance at times which are inappropriate.

To this end, if your Council is minded to grant Planning Permission, we would respectfully request that the permission is restricted so that parties and chocolate-making demonstrations are always held in the front shop of the premises and are not permitted to take place before 1pm on a Sunday or after 6pm during weekdays and at weekends.

Yours faithfully

Greig Honeyman - Partner
For Tods Murray LLP

Phone:

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