

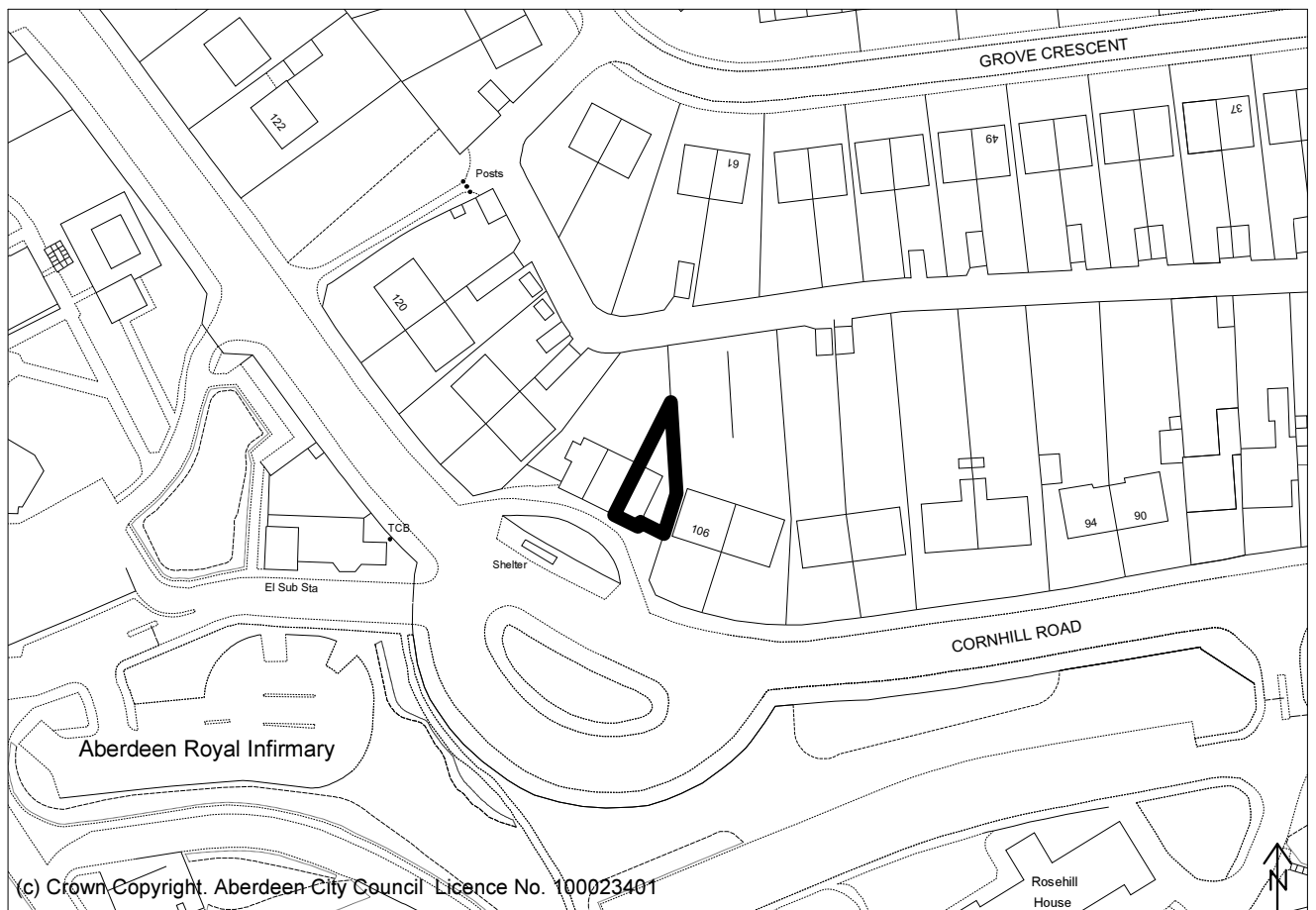
108 CORNHILL ROAD, ABERDEEN

CHANGE OF USE FROM CLASS 1 (SHOP)
TO CLASS 3 (COFFEE SHOP)

For: Mrs Susan Killin

Application Ref. : P120456
Application Date : 10/04/2012
Officer : Matthew Easton
Ward: Midsocket/Rosemount (B Cormie / J
Laing / F Forsyth)

Advert : Full Notify not poss.
(neighbours)
Advertised on : 18/04/2012
Committee Date : 14 June 2012
Community Council : Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The site is a single storey retail unit within a small parade of commercial units located on Cornhill Road, opposite the gate to Aberdeen Royal Infirmary. The floor space is 46m² and the premises are currently occupied by a baby clothes retailer.

There are three shops within the parade, with the application premises being the most easterly. The central unit (110 Cornhill Road) is occupied by a newsagent (Dawn Till Dusk) and the westerly unit at 112 Cornhill Road is occupied by a hot food takeaway (Ruby Chinese & Thai Carry Out).

There is a bus stop outside the commercial premises which is serviced by the number First No.5 (Balnagask – Dubford) route and the Stagecoach No.59 (Northfield – Balnagask).

On either side of the commercial units are 1½ storey dwellinghouses with the Aberdeen Royal Infirmary complex to the south across Cornhill Road.

HISTORY

The application site itself has no apparent planning history however an adjacent unit has been subject of three attempts to change its use to a hot food takeaway. The first was in 1988 (88/1169), the second in 1994 (94/1907) and the most recent in 2009 (A8/1539). All three applications were refused for similar reasons which in summary were in relation to the loss of the retail unit within a neighbourhood centre, the likely impact upon residential amenity of the area due to increased odour and litter, the proposal being a road safety hazard due to the potential for indiscriminate parking and the risk of setting an undesirable precedent which would have a cumulative effect on residential amenity.

PROPOSAL

It is proposed to change the use of the premises from a shop (Class 1) to a coffee shop (Class 3 Food and Drink). Class 3 permits the sale of food and drink for consumption on the premises and a minor takeaway element as long as the trade is primarily in-house dining.

The applicant plans to sell sandwiches, baked potatoes, soup, homebakes and daily specials. There would be hot food, however no deep fat frying is proposed. There would be around five or six tables for customers to sit at.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been submitted to the sub-committee as it falls outwith the Scheme of Delegation because the Community Council for the area have objected to the application.

CONSULTATIONS

ROADS SECTION – No observations.

ENVIRONMENTAL HEALTH – No response received.

COMMUNITY COUNCIL – NHS Grampian has adequate dining facilities through the ARI complex for staff and visitors and we are of the opinion that there is no need for any further requirements for this type of facility. We hope that the concerns of the residents are taken into account when considering the application.

REPRESENTATIONS

Four letters of objection have been received from three households located on Cornhill Road and Grove Crescent. They raise the following matters –

- There would be overprovision of coffee/dining facilities in the area.
- There are on-going litter problems.
- Concern that the premises could become a hot food takeaway without further consultation with residents.
- Lack of parking provision.
- The application should be refused on the same ground as the application refused in 2009.

PLANNING POLICY

Aberdeen Local Development Plan (2012)

Policy H1 (Residential Areas) – Within existing residential areas, proposals for non-residential uses will be refused unless –

- they are considered complementary to residential use; or
- it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The site is zoned as a neighbourhood centre where Policy RT3 (Town, District and Neighbourhood Centres) applies – Proposals for change of use from retail to another use will only be permitted if –

- The proposed alternative adds to the viability and vitality of the area.
- It will not undermine the principal retail function of the area.
- A lack of demand for the continued retail use can be demonstrated.
- The proposed use caters for a local need.
- A live street frontage is created or maintained.

EVALUATION

The site is located within a residential area and is also zoned as a neighbourhood centre. Therefore the proposal has to be assessed against the criteria set out in Policies H1 and RT3.

Principle of Use

A coffee shop is considered to be a complementary use within a residential area and generally would have minimal impact upon the amenity of those living in the area. Therefore in principle the proposed use would comply with Policy H1. Site specific issues in terms of this policy are assessed further on in the report.

A proliferation of non-retail uses can affect the viability and vitality of a shopping area and therefore each change of use from Class 1 (Shops) has to be assessed on its own merits and how it may impact upon the overall centre. In this case the centre comprises two retail units and one hot food takeaway. The units on Cornhill Road have limited functionality as a shopping centre and tend to provide local services to the community or those visiting the hospital. It is considered that the loss of the retail unit to a Class 3 use would not undermine the viability or vitality of the centre as the proposed use is likely to generate the same if not more footfall than a Class 1 (Shop) use at this location. The new use would not undermine any retail function the centre has and is likely to enhance the vitality and viability of the neighbourhood centre.

Although it is not for the planning authority to determine whether a business would be viable or to restrict competition between different operators, Policy RT3 does require the new use to cater for a local need.

It has been highlighted by the Community Council and objectors that there are several coffee shops and similar outlets within the ground of Aberdeen Royal Infirmary. Unless overprovision of a particularly type of use is causing issues in terms of amenity, the planning authority should not interfere in the provision of services or with competition between businesses. In this instance it is not considered that an additional outlet would lead to any impact upon residential amenity due to overprovision. Indeed it a coffee shop would provide an off-site facility for visitors or patients at ARI who may wish to leave the confines of the hospital site for a break, rather than make use of on-site facilities.

The introduction of a coffee shop would increase the diversity of uses within the area which is considered to be desirable and it is considered that the vitality and viability of the centre would be enhanced. No external physical alterations are proposed to the shopfront and live frontage would be maintained.

Residential Amenity

There would already be activity generated by the newsagent and takeaway, which are likely to have longer opening hours than the coffee shop. Although there is the potential for a larger footfall than compared to the retail premises, given the capacity of the unit it is not considered that this would be to the extent that it would have an adverse impact upon the amenity of residents in the area. However given that the area is predominately residential and Class 3 use would allow a café or restaurant to open without permission it is considered necessary to restrict the hours of opening to between 0700 and 2000 each day of the week in order that residents do not experience any disturbance later in the evening.

No extraction equipment has been proposed and therefore in order to ensure that neighbour properties are not adversely affected by cooking odours a condition has been attached which prohibits any frying from taking place at the premises. Other cooking odours from low level cooking should be capable of being dealt with through natural ventilation.

Existing litter problems cannot be addressed through this planning application and it is not considered that significantly more litter would be generated by the proposal. Moreover the behaviour of customers and whether they choose to dispose of their litter in an acceptable manner would not be a reason alone for refusal of the application.

Other Matters

Concern has been raised that the proposed coffee shop could be turned into a hot food takeaway without a further grant of planning permission. Whilst Class 3 (Food and Drink) is for the consumption of food and drink on the premises, it does allow a minor element of informal takeaway to occur as long as the primary trade is in-housing dining. This is a regular feature of a coffee shop or café and is considered acceptable due to the minimal impact upon amenity.

Hot food takeaways, which are classified as a different use from Class 3, generally raise different issues such as litter, noise, longer opening hours and extra traffic. Because hot food takeaways are a separate use a further grant of planning permission, which would require neighbour notification and advertisement, would be required in order to use the premises as a hot food takeaway.

It is unlikely that the coffee shop would generate a significant level of vehicular movements. Although footfall has the potential to increase, it is likely that the majority of customers would be from the hospital, using the bus services which pass through the area or are residents in the area. It is unlikely that customers would be travelling by vehicle to visit the premises. Furthermore the Council's Roads Service have indicated that they have no observations on the proposal.

The previous planning application in 2009 was for the neighbouring property at 110 Cornhill Road and was for change of use to a hot food takeaway. It would not be appropriate to compare the two applications as they were different proposals for different uses.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

A coffee shop is considered a complementary use within a residential area and there is unlikely to be an adverse impact upon residential, either in terms of any potential additional activity generated or parking provision. Although the proposal would see the loss of a retail unit, it is considered that the proposed new use

would increase the range of services in the area and maintain the viability and vitality of the neighbourhood centre.

it is recommended that approval is granted with the following condition(s):

(1) that no frying shall be carried out on the premises unless written approval for a variation has been obtained from the planning authority - in order to prevent the creation of nuisance by the release of cooking odours.

(2) that the premises shall not be open for business outwith the hours of 0700 and 2000 on any day of the week - in order to protect the existing residential amenity of the neighbourhood.

Dr Margaret Bochel

Head of Planning and Sustainable Development.