

27 CROWN TERRACE, ABERDEEN

PROPOSED CHANGE OF USE AND
ALTERATIONS ON FIRST FLOOR FROM
OFFICE TO FORM 7NO FLATS

For: Ensco 330 Ltd

Application Ref. : P120615
Application Date : 26/04/2012
Officer : Tommy Hart
Ward: Torry/Ferryhill (Y Allan/A Donnelly/J
Kiddie/G Dickson)

Advert :
Advertised on :
Committee Date : 23 August 2012
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application property lies on the east side of Crown Terrace and is accessed from the main entrance which faces onto the street. There are 2 restaurants on the ground floor of the application property. On the opposite side of Crown Terrace is a church and flats. Further north on Crown Terrace, past the stair access to Bridge Street, there are 3 further restaurants on ground/basement floor level. On the first floor of the building from the Bridge Street elevation, there is an Indian restaurant (which is 3 floors below the application property). The property is the first floor of no 27 Crown Terrace but it stretches back to College Street where it is at fourth floor equivalent. There is an emergency access in the middle of the building which comes out onto Crown Street immediately adjacent to the access to Nazma Tandoori.

PROPOSAL

This application seeks planning permission for a change of use of the first floor office accommodation of 27 Crown Terrace to Residential Flats. No external alterations are proposed. The existing entrance from Crown Terrace would remain. There are only internal alterations proposed with this application in order to provide 4 no bedsit apartments and 3 no one-bedroom apartments.

REASON FOR REFERRAL TO SUB-COMMITTEE

The Council's Environmental Health section have raised concerns about the proposal and as such the application is required to be determined by the Development Management Sub-Committee.

CONSULTATIONS

ROADS SECTION – following the receipt of details of the cycle storage, the roads officer has confirmed that the provision is adequate given the site constraints. In terms of car parking, It is noted that the proposed development has been put forward as a “no car” development with no proposals to provide residents with car parking. The Roads officer is willing to support this proposal as it is located within the city centre boundaries but it should be noted by the applicant that residents of a “no car” development are not eligible to apply for Residential Parking Permits for parking within the city's Controlled Parking Zones.

ENVIRONMENTAL HEALTH – concern has been raised that the close proximity of the proposed flats to the adjoining and neighbouring licenced food premises may have a negative affect on the amenity of the prospective residents. This being from customers entering and exiting the premises during the evening hours, and from the general day to day operation of these food businesses. This Service therefore would not support this application for the aforementioned reasons. However, should the Committee be of a mind to support this application then we would ask that suitable conditions be attached to any planning permission granted relating to hours of construction, noise assessment and refuse provision.

COMMUNITY COUNCIL – no comments received

REPRESENTATIONS

Three letters of objection have been received in respect of the application. The only material planning consideration raised relates to perceived parking problems in the area and how this application might impact on that.

PLANNING POLICY

The application property is within an area designated for Mixed Use purposes (policy H2) in the Aberdeen Local Development Plan. The site also lies within the Union Street Conservation Area and therefore Historic Scotland's 'SHEP' is of relevance.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that in determining a planning application, regard must be had to the Development Plan. Determination shall be made in accordance with the Plan unless material planning considerations indicate otherwise. The Development Plan consists of the Aberdeen City and Shire Structure Plan and the Aberdeen Local Development Plan.

Policy

Aberdeen Local Development Plan policy H2 (Mixed Use Areas) states *applications 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 on the viability or operation of existing businesses in the vicinity.*

As mentioned above, the surrounding area is characterised by a mixture of uses; e.g. residential, church, offices and restaurants. The existing offices are accessed via Crown Terrace adjacent to the access for 'Royal Thai' but the floorspace of the application site is situated immediately above the restaurant. It is considered that neither the location of the flats, nor the proposal itself, would impact on the viability or operation of the existing businesses. What needs to be assessed is the residential environment which the flats would have given the close proximity to the restaurants. The current use as office would unlikely be impacted on by the nearby restaurants by virtue of the pattern of occupation (day time as oppose to evening/night time). However, given that the flats are most likely to be occupied at the same time as the restaurants would be in operation, it is clear that if planning permission is to be granted that the current noise attenuation measures of the application site are unlikely to be adequate for the residential purposes and would lead to a negative impact on the amenity afforded. The Council's Environmental Health section have concerns over the potential negative affect on the amentiy of the prospective residents given the lack of information relating to noise etc. A condition has been requested (should permission be granted) for a noise assessment to be submitted for approval which should offer attenuation measures to combat the potential noise nuisance from the surrounding area. Given the location within the city centre, it is considered that the proposed flats, like many others within the area, will be

impacted upon in some way by local businesses and other outside noise and this is to be somewhat expected. It is considered that, if attenuation measures can be identified and put in place, the level of amenity afforded by the residents would not so detrimental that would make them unlivable. It should be noted that the Environmental Health section do not object to the application. They have made it clear that if the attenuation measures can be satisfactorily implemented, then there would be no concerns from them.

In terms of Historic Scotland's SHEP, there are no external alterations proposed and therefore it is considered that there would be no detrimental impact on the Conservation Area.

In relation to the material planning consideration raised in the objection, namely the impact the development would have on the car parking provision of the area, the Council's Roads officer not raised any concerns and it is therefore considered that this is not an issue in this location.

Conclusion

The concerns of the Environmental Health section are noted with respect to potential impact on residential amenity. It is considered that the applicant should be afforded the opportunity to prove that attenuation measures can be put in place to ensure that the surrounding business uses would not impact on the residential amenity of the residents. Given the city centre location and type of development, it is contended that the level of amenity is likely to be less than a typical suburban area but not to the level of being unlivable. Therefore, on balance, the application is recommended for approval subject to the conditions listed below.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

It is considered that, subject to implementing satisfactory noise attenuation measures, the proposed flats would benefit from a reasonable level of residential amenity. The proposal would not negatively impact on the adjacent local businesses.

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

- (1) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:
 - (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
 - (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
 - (c) at any time on Sundays,except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

(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 disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.

(3) that no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

(4) That none of the flats hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing no. 120615-001 have been provided - in the interests of encouraging more sustainable modes of travel.

(5) That prior to the date of occupation of each unit hereby approved, the developer shall provide evidence that it has paid for and provided two annual memberships of a car club for a period of two years the first owner of each flat - in the interest of providing sustainable transport and preserving residential amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development.