



property | legal | financial

413 Union Street  
Aberdeen AB11 6DA

DX AB 46  
LP1 ABERDEEN 1

Aberdeen City Council  
Planning & Sustainable Development  
Marischal College  
Broad Street  
Aberdeen

Our Ref RF/FM

Your Ref

Direct Dial

30<sup>th</sup> August 2012

Dear Sirs

PROPOSED DEVELOPMENT AT 2 JUSTICE MILL LANE, ABERDEEN AB11 6eq  
PLANNING APPLICATION NUMBER : 121185  
DATE OF NOTICE : 24<sup>th</sup> AUGUST 2012

We wish, as a neighbouring proprietor, to formally object to the proposals for the change of use to roof terrace.

We had when the premises were operating as a licensed premises ongoing difficulties with broken bottles and glasses, noise disturbance, etc and would consider that there is a high risk of both noise disturbance from an open roof terrace and danger of falling bottles, glasses and such like onto a busy street and busy adjoining car parks.

We would therefore wish to record our formal objection to this proposal.

Yours faithfully



**From:** <webmaster@aberdeencity.gov.uk>  
**To:** <pi@aberdeencity.gov.uk>  
**Date:** 08/09/2012 16:11  
**Subject:** Planning Comment for 121185

Comment for Planning Application 121185

Name : Rodrigo Rendon  
Address : 26 Bon Accord Terrace

Telephone : | \_\_\_\_\_

Email

type :

Comment : This is the second application in 2012 for the construction of a Roof Terrace on the night club venue located at the junction of Justice Mill Lane and Bon Accord Terrace. The previous objection suggested that Aberdeen City Council and its Planning Authority should seriously consider the Safety, Health and Environment implications before granting planning permission to this project. These issues are still valid and they should continue to be the basis for declining this application. In addition, please note the paragraph at the end of this text, which provides a counter-argument to some of the points discussed during Council planning meeting.

#### SAFETY

1.- At the junction of Justice Mill Lane and Bon Accord Terrace there is already a risk of a pedestrian being run over by a car or of a serious car crash. A video illustrating this risk has been posted on youtube (<http://youtu.be/4krmHVj3WZk>). This video was taken on April 28, 2012 just before mid-night. It shows the high level of traffic on this junction even at this time of the evening. It can be clearly observed how pedestrians walk on the street right in front and in-between cars. The street is narrow and cars could approach the junction from four different directions. As the night goes on, the number of people walking on the street multiplies. Compounded with substantial alcohol abuse, this is a serious risk of a pedestrian being run over. The video also shows how cars have to invade the opposite side of the road in order to avoid pedestrians, creating a serious risk of a vehicle crash with cars coming out of Bon Accord Terrace or Hardgate and turning into Justice Mill Lane. The proposed renovation on this planning application clearly aims at increasing the patronage currently attending the night club venue located at 2 Justice Mill Lane, thus increasing the number of people on the street at this junction and the chances of a safety incident that could hurt or kill someone.

2.- Another safety risk of granting planning permission to this renovation is the one of empty crystal bottles, lighted cigarettes and/or drinks being thrown from the proposed roof terrace into the street and seriously harming pedestrians or private property.

#### HEALTH

3.- Residents in the area have highlighted the health hazard of people urinating and/or vomiting on the street or inside private property as they leave the social venues in the area late at night and under substantial alcohol influence. The objective behind this planning application is to increase the business of the night club venue located at 2 Justice Mill Lane (more people attending and more people consuming), therefore increasing the number of times that residents have to find urine or vomit right outside our doors.

#### ENVIRONMENT

4.- The area around Bon Accord Terrace and Justice Mill lane is increasingly becoming a residential area. Significant number of flats exist in Bon Accord Terrace and a new hotel was just built in Justice Mill Lane. When people leave the night club venue in 2 Justice Mill Lane at 3am the crowd does not disperse quickly or quietly. The noise level is significantly above what is reasonably acceptable for residents and it is certainly above the noise level guidelines set by Aberdeen City Council Environmental Services.

In addition, it is understood that the the refusal of the first application included some debate at the

Council around:

\*\* Traffic policy (safety issue) being dealt by the traffic authority and anti-social behaviour (health and environment issue) from people on the street late at night being dealt by the police; Please note that most Council and Police stakeholders know the specifics of the late night situation in Justice Mill Lane and Bon Accord Terrace, e.g. Police letter from Inspector George Macdonald to Bon Accord Terrace neighbors (14/05/08 ref A40/05/17); Aberdeen Council Environmental Services letter from Environmental Health Office Mrs. Ekekwe to Bon Accord Terrace Neighbors (15/05/08 ref 55530); and the Antisocial Behavior Unit letter from ASBIT Manager Raymond Barnett to Bon Accord Terrace Neighbors (27/05/08). The Health, Safety and Environment issues mentioned as the basis to object to this application are a problem of us all and if the Council approves this application, it only eludes its responsibility in ensuring appropriate action against these issues.

\*\* Neighbors object to significant after hours noise. Residents living in the City Centre should expect above average noise at night; Please note the predominant basis for this objection are Health and Safety issues. After all the discussions in 2008, a balance between residents and entertainment venues has been achieved. Granting further permission to refurbishments that seek to significantly increase traffic late at night, will only upset this equilibrium which today very delicately works.

City Development Services Letters of Representation	
Application Number:	121185
RECEIVED	10 SEP 2012
Dev. (North)	
Cases Officer Initials:	MEA
Date Acknowledged:	11/09/12

South

**From:** <webmaster@aberdeencity.gov.uk>  
**To:** <pi@aberdeencity.gov.uk>  
**Date:** 04/09/2012 16:29  
**Subject:** Planning Comment for 121185

Comment for Planning Application 121185

Name : Michael Brown  
Address : Flat 3  
10 Bon-Accord Terrace  
Aberdeen  
AB11 6DP

Telephone :

Email : (

type :

Comment : I oppose this planning application on the grounds of increased noise to the rear of 8, 10 and 12 Bon-Accord Terrace. The bedrooms to all these properties comprising of 16 two and one bedroom flats are at the rear of the properties.

I'd like to point out that opposite the proposed roof terrace sits a vertical wall of the building 'bud bar' the noise from the terrace will bounce directly off this wall axially and back to our properties. To the rear of the flats is a car park with buildings and high walls which amplifies and unfortunately traps the noise being produced from the nightclub.

Another objection is fumes. As the owner has made us aware by the letter delivered to all of us the terrace will also act as a smoking area. Our flats are no more than twenty meters from the terrace. I want to be able to open my windows without breathing polluted air.

No matter how much sound insulation the owner applies to the terrace he won't be able to suppress the high frequencies such as laughter, screaming etc.. If We can hear the base of the nightclub now it's going to be worse with open doors leading to the terrace.

We have had problems in the past with people in the rear car park and the possibility of bottles / glasses being thrown at our cars is not desirable.

**From:** SUSAN ZANI <  
**To:** "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>  
**Date:** 17/09/2012 22:21  
**Subject:** application number :12/1185

Dear Sir/Madam,

i am writing to lodge my objection to the planning application for the change of use at Bad Apple by CCK bars Ltd.

My objections are on the following grounds:

The additional disruption and detrimental effect on my and family's quality of life caused by :

Customers of Bad Apple:-

- 1) vomiting on our parked cars
- 2) urinating and defecating in our pathway /driveway
- 3) Bottles and glasses left near our cars and thrown into our garden
- 4) drunken customers trying to get into our house , hiding from Police in our garden .

Our neighbours have witnessed customers of Amicus Apple and Bad Apple vomiting and defecating in our pathway/driveway and chased the offenders away.

We have called the police to chase and catch customers in our garden , on one occasion the police caught them as they dropped their mobile phone.

Obviously living in the city centre we are expecting some level of noise but since the opening of the premises owned by Amicus Apple and Bad Apple in the last 18 months the drunken behaviour has escalated and as my family all work shifts we are sometimes particularly wary of entering our pathway as we do not know who may be lurking for whatever reason.

No attempt is made by the management of either of these premises to contain the disruptive behaviour or stop their drunken and often loud and argumentative customers from making their way in our direction instead of guiding them away from the residential households.

No attempt is made by the management to clean up the streets or driveways of the disgusting trail of their customers drunken vomit etc .

I am happy to accept that we face some inconvenience living in the city but the deterioration in the standard of our living is solely down to the opening of these two premises and the lack of consideration by the management.

please consider these objections.

Thank you.

Susan Zani  
32 Bon Accord Terrace ,  
Aberdeen .  
AB11 6DU