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Aberdeen AB10 1FW

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Tel:
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Stronachs

Your Ref:

Our Ref: DCC.CMN.ADV.5.3

Date: 18th September 2012

Aberdeen City Council
Planning & Sustainable Development
Marischal College
Broad Street
Aberdeen, AB10 1AB
FIRST CLASS
RECORDED DELIVERY

Dear Sirs

Planning Application Reference: P120615
Proposed Change of Use and Alterations to form Residential Apartments
27 Crown Terrace, Aberdeen, AB11 6HD

We act on behalf of Advanced Travel Partners UK Ltd, the current tenants of office accommodation at Bridge House, 56-58 Bridge Street, Aberdeen.

We refer to the Neighbour Notification Notice dated 30th August 2012 in connection with the Planning Application Reference P120615 ("the Planning Application").

We understand that the Planning Application was reported to the Development Management Sub-Committee on 23rd August 2012 but that the Planning Application was subsequently re-notified by way of the above Neighbour Notification Notice as a result of the initial failure by the Planning Authority to notify our clients and a number of other interested parties. Accordingly, we understand that any objections lodged within the statutory notification period following the date of the above Neighbour Notification Notice require to be considered by the Council.

On behalf of our said clients, we therefore wish to submit a formal objection to the Planning Application on the following grounds:-

Aberdeen Local Development Plan

The proposed development is located within an area designated for Mixed Use purposes in the Aberdeen Local Development Plan. Policy H2 provides that:-

"Applications must take into account the existing uses and character of the surrounding area and avoid undue conflict with 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".

Partners David A Sheach; David A Rennie (Managing Partners) E Grant MacKenzie; George W Stevenson; Ewan C Neilson; Neil D Forbes; James F Downie; Duncan C Campbell; Robert McDonald; Carol J Crowther; Gillian S Donald; Malcolm J R Donald; Hamish Lean; Colin Sandilands; Gregor Mitchell

Senior Associates Lindsay D Dron; Joni Esson; Andrew Henderson; Ferga McKay; Ingrid McKay; Joy H Mullin; Carol M Nisbet; Emma Robertson; Anne Sutherland

Associates Gemma Hills; James Muir; Owen Paterson; Graham Ross; Emma Stephen; Natalie Whitfield

Consultants James T Merson; Anne Pickering (Oil & Gas); Dr John Wils (Oil & Gas - Technical)

Also at: Camas House, Pavilion 3, Fairways Business Park, Inverness IV2 6AA
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Registered Office: 34 Albyn Place, Aberdeen AB10 1FW

Our clients have significant concerns over the impact that a proposed residential use would have on their business.

We understand that the proposed development will share its main access and stairwell with the subjects at Bridge House occupied by our clients and by Solutions (Aberdeen) Limited. As a result, this raises a number of security and related issues for our clients resulting in a conflict with the existing use. The following are of particular concern:-

- The development would affect the ability of our clients to control access to the building. This raises significant security issues for our clients as their offices contain expensive equipment and confidential data. The existing security system would be rendered ineffective and, with no means of regulating access, our clients have concerns regarding the potential for thefts, particularly in light of previous theft attempts. There would also be an impact on the ability of our clients to provide a safe working environment for their employees.
- Furthermore, there is an obligation on our clients, as a travel agency, to satisfy the IATA requirements for secure premises. They currently do so by the strict control of key-cards which operate the external door entry system. As indicated, the proposed residential development would render this system ineffective. Our clients would be duty bound to inform IATA and there is a significant risk to our clients that a subsequent IATA inspection would find that our clients no longer met the security requirements. This would have a serious consequence for our clients' business and may result in them no longer being able to operate from the premises.
- Our clients are concerned that bikes, refuse, buggies and other sundry items will be left in the common areas, presenting fire escape hazard for their employees. The ability of our clients to safely account for employees during an emergency evacuation would also be compromised by the development. Furthermore, our clients have advised that the fire escape exits into a car park that is normally locked and unlit outside of office hours.
- There would be a significant increase in use of the common areas of the building which is not only inappropriate given the current business use but also raises issues regarding the additional maintenance burden. In particular, the proposed development plans provide for a cycle store which creates problems both from the perspective of damage to the common areas and the ability to carry bikes up the steep stairs and negotiate the turns and narrow area.
- The development would result in an increased pressure on car parking in the area which is already limited.
- The number and size of refuse bins situated on Crown Terrace would have to be increased creating a hazard not only for our clients' employees but also members of the public using the footpath. This would also have an adverse impact on the surrounding amenity.

As a result of the adverse impact that this development would have on our clients' business, our clients consider that they would not be in a position to renew their Lease at the end of the current term should the Planning Application be granted. We understand that Solutions (Aberdeen) Limited have separately raised objections to the Planning Application on similar grounds.

In addition to the impact on our clients' business, there are also issues with the impact on the residential environment and amenity of the development given the surrounding uses. The existing plant room which services the part of the building occupied by our clients is directly adjacent to the new development. This is liable to produce unacceptable noise to the adjoining residential development.

There is also the potential for a significant negative impact on residential amenity resulting from the other uses in the area, particularly, the close proximity to the restaurants and licensed premises. It is likely to be the case that the operation of these existing businesses would have a detrimental impact on the residents occupying the development.

Supplementary Planning Guidance

Aberdeen City Council's Supplementary Guidance on Harmony of Uses – Residential, Licenced Premises and Commercial Uses dated March 2012 also requires to be considered. In particular, this Guidance specifies the issues that require to be addressed by the Council when a proposal has the potential to conflict with neighbouring land uses – as is the case here.

The Guidance provides that developers proposing residential developments in the City Centre must be mindful of the location of licensed premises and noisy uses and will be required to provide a noise impact assessment for developments close to the busiest/noisiest areas of the City Centre. We are not aware of a noise impact assessment having been carried out.

The Guidance specifically provides that an application for residential development should be refused where "a suitable residential amenity cannot be achieved or maintained. This is likely to be in areas of the City Centre where there is significant evening or late night activity associated with licensed premises." We would submit that this is the case with the present Planning Application.

Furthermore, the Guidance provides that an application for residential development should be refused where "there is a common or shared access with licensed premises or other use detrimental to residential amenity". This is clearly the case here.

Our clients therefore submit that the proposed development is contrary to the Local Development Plan Policy and Supplementary Planning Guidance and should therefore be refused. The Council must have regard to the Local Development Plan when assessing a planning application unless material considerations indicate otherwise. Our clients do not consider that there are any material considerations which would overturn the presumption in favour of refusal in this case.

Yours faithfully,



Duncan Campbell
For and on behalf of Stronachs LLP

From: Kevin Coll [REDACTED]
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
CC: "tomhart@aberdeencity.gov.uk" [REDACTED] > [REDACTED]
Date: 17/09/2012 18:45
Subject: Objection to planning application notice 120615
Attachments: Crown Terrace _No 27_ Flats Objection v2.pdf

Dear Sirs,

Please find attached our objection to the above planning notice at 27 Crown Terrace. Please confirm receipt and that email is an acceptable format for lodging objections.

Yours Faithfully

Kevin

Kevin Coll
Managing Director

T: [REDACTED]
E: [REDACTED]
W: [REDACTED]

supporting your business

[cid:imagef022ec.JPG@e1c79114.4e85392f].

[cid:imagee16840.JPG@7912242f.48879d5a]

IMPORTANT NOTICE: This communication contains information which may be confidential or privileged and is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s), please notify the sender, contact us on +44 1224 213033 and delete the message from your computer. Solutions (Aberdeen) Limited, Registered in Scotland No: 132770. Thank you.

solutions

IT solutions for business

17th September 2102

Our Ref: KC/TH/02

Aberdeen City Council Planning Department
Marischal College
Broad Street
Aberdeen
AB10 1AB

For the attention of the Planning Office

Dear Sirs,

Objection to proposed Flats at First Floor, 27 Crown Terrace, Aberdeen - P120615

Further to our meeting with your colleague Tommy Hart and the subsequent re-notification of the above proposals, we would like to strongly object to the proposed flats.

As the tenants of Bridge House, 56-58 Bridge Street we, and our co-tenant ATPI, are the businesses which are directly affected by this development as it is proposed that the flats use our office doors, corridors and fire escapes on 27 Crown Terrace as a communal entrance and our communal areas for access.

Aberdeen Local Development Plan policy H2 (Mixed Use Areas) states that 'applications must take in to 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 would not impinge on the viability or operation of existing businesses in the vicinity'

We sought further clarification of the above and were informed, in writing, that it relates to the 'commercial viability and operation of existing businesses in the vicinity'

The primary reason given for recommendation initially was that it would not negatively impact adjacent local business. I can state categorically that this directly impacts the two businesses located in this building and affects approximately 140 staff.

Your representative has stated, by his own admission, that he was not in possession of these facts when the recommendation was made and we would ask you to reject this application.

Additionally I would draw your attention to the following planning document relating to change of use from non residential to residential.

Supplementary Guidance

Topic: Harmony of Uses -Residential, Licensed Premises and Commercial Uses
March 2012

Living/ Working Above or Below a Business Guidelines

The Council's aims and objectives for the City Centre differ in part from those for the rest of the City, recognition of the different functions of these areas. This SG seeks to take into account of the issues referred to earlier in this report and link closely with the Local Development Plan policies and City Centre Development Framework. The following guidelines are suggested to help assess the suitability

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Solutions (Aberdeen) Ltd., Bridge House, 56-58 Bridge Street, Aberdeen, AB11 6JN
Telephone: [REDACTED] Email: [REDACTED]

solutions

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of applications for residential and office uses above or below a business throughout the City:

There will be a presumption in favour of proposals that bring into use and upgrade vacant, under-used and sub-standard upper and lower (basement) floor properties. Changes of use from residential to a non-residential use shall not be approved where:

1. There would be an unsatisfactory impact on the amenity of occupiers and users of surrounding premises, in terms of noise, fumes or other disturbance or inconvenience; or,
- 2. Where the proposal would involve a stairwell giving access to existing residential property being shared with non-residential users.**

Residential Developments in the City Centre

1. A suitable residential amenity cannot be achieved or maintained. This is likely to be in areas of the City Centre where there is significant evening or late night activity associated with licensed premises and in areas adversely affected by traffic and industrial noise. The onus will be on the applicant to demonstrate that satisfactory levels of residential amenity can be achieved including the submission prior to determination of any planning application of a noise assessment carried out by a suitably qualified consultant that demonstrates that adequate noise attenuation can be achieved;

2. The proposed development is within the same built structure:

- (a) as a public house;
- (b) as a place of entertainment.

Unless a noise assessment has been submitted by a suitably qualified consultant prior to determination of any planning application that demonstrates that adequate noise attenuation can be achieved

3. There is a common or shared access with licensed premises or other use detrimental to residential amenity;

4. The proposal is located beside a taxi rank.

It seems entirely at odds with planning guidelines and somewhat ridiculous that a residential property change of use to non residential would forbid a change of use approval due to a shared stairwell and the opposite not to apply for consistency?

We object on the basis that we have a shared stairwell and would have a mix on residential and non residential users.

In addition to the above, this application will cause us a great number of problems in relation to the following:

1. The access to the bedsits would be common to 5 internal floors of our offices with circa 140 staff and we'd have no way of ensuring a safe working environment for them and no ability to control who was accessing the building and when.
2. Our predominantly female staff work shifts and are required to move between floors safely and freely. Due to this, and a number of documented theft attempts by strangers from the street, we invested in external card controlled security doors. These would now become common to the flats access which is unacceptable.
3. Access to our plan room is directly adjacent to the proposed entrance to the flats. This powers our entire building and is both noisy and requires regular maintenance. This plant room is actually directly through the wall to one of the proposed flats.

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Solutions (Aberdeen) Ltd., Bridge House, 56-58 Bridge Street, Aberdeen AB11 6JN

Telephone:  Email: 

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4. We would be unable to effectively police our regular fire drills and during an actual incident how could we headcount our teams with anything up to 20-30 random people in bedsits evacuating the building simultaneously?
5. This is a significant intensification of use of the common areas and we are extremely concerned that buggies, bikes and general items will be left in the common areas due to the difficulty of negotiating the stairs. This presents a significant fire risk and is in contravention of our fire and disability policies.
6. This will present a significant increase in waste in an already waste ridden area full of restaurants and the consequent environmental issues which follow.
7. This will inevitably increase the pressure on car parking and, although biking provision is included, there is no easy way of negotiating the stairs without causing damage to the communal areas. We urge the planning team to take a bicycle with them and try.
8. All of our offices contain secured confidential data and expensive equipment and we would not renew our leases on the basis of the development taking place.
9. The proposal will force two significant employers out of the centre of the town with all of the local economic benefits this brings.
10. As tenants on full repairing and insuring leases, we are obligated to look after these common areas even if the damage was caused by the flat users. This will make our lease obligations untenable.
11. The fire exits onto Bridge Street are consistently blocked. This was noted during the site visit by Councillor Graham Dixon earlier this week.
12. Although the area outside the security doors on Crown terrace is not a taxi rack or delivery bay, it is the only practical place for users of restaurants to drop off and pick up and it is our primary loading area. Drivers load into the secured area and then make multiple trips up and down the stairs with valuable equipment such as laptops and monitors. How are we to police this?
13. Smoking. It is illegal to smoke inside the offices but the flat users could potentially smoke inside the building in their flats and in our common stairwells. A mixed use environment in this case is impossible to police.

I would be very grateful if this could be given serious consideration by the committee and rejected on the basis of this and the plethora of other issues the development of 7 bedsits and their associated transient occupants would bring to us.

Finally I would like to re-iterate that we have received no notification whatsoever regarding this proposal. For the record, neither has my co-tenant and ATP director, Gary Hance nor John Dawson who owns a separate lockfast unit directly under the proposed development and is the only person with keys. I think this ably demonstrates that the current method of notification is not fit for purpose and would like your proposals to improve this.

Should you require clarification or additional information, please don't hesitate to come back to me with any questions and I'll be delighted to help.

Regards

Kevin Coll
Managing Director

developing **your** business

Solutions (Aberdeen) Ltd., Bridge House, 56-58 Bridge Street, Aberdeen AB11 6JN
Telephone: [REDACTED] Email: [REDACTED]

From: "Gaelen Jamieson (Brodies Solicitors)" [redacted]
To: "tomhart@aberdeencity.gov.uk" [redacted] <[redacted]@berdeencity.gov.uk>
Date: 12/09/2012 14:02
Subject: PLANNING APPLICATION REFERENCE NUMBER: P120615 [BRO-D.FID2100100]
Attachments: Scan-to-Me from 10.50.5.67 2012-09-12 134220.pdf

CONFIDENTIAL MESSAGE - INTENDED RECIPIENT ONLY

I attach copy letter which I have today sent to Dr Margaret Bochel.

Regards

Gaelen J Jamieson
Senior Solicitor
On behalf of Brodies LLP
Glasgow, Scotland, UK
mailto:[redacted]
http://www.[redacted] ntp://www.[redacted]
Direct Line: ++ 44 (0) [redacted]
Telephone: ++44 (0) [redacted]

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And: 23 Carden Place, Aberdeen AB10 1UQ, Scotland UK: T [redacted]
AB10 Aberdeen;

And: 8th Floor, 41 Avenue des Arts, 1040 Brussels, Belgium: T [redacted]

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OUR REF KLH/ETO0001.00001

YOUR REF

Recorded Delivery

Dr Margaret Bochel
Head of Planning & Sustainable Development
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
ABERDEEN AB10 1AB

12 September 2012

Dear Dr Bochel

PLANNING APPLICATION REFERENCE NUMBER: P120615
PROPOSED CHANGE OF USE TO RESIDENTIAL APARTMENTS
27 CROWN TERRACE, ABERDEEN
OUR CLIENTS: ETONFIELDS LIMITED PARTNERSHIP

We act on behalf of Etonfields Limited Partnership being the owner and landlord of the office accommodation at 56-58 Bridge Street, Aberdeen, known as Bridge House. Our clients became aware of the above mentioned planning application (the Application) for the first time on 28 August 2012 having been alerted to it by their tenants. Their tenants similarly only became aware of the application on the same day as a result of a newspaper article which appeared in the local press.

We understand that the application was reported to the Council's Development Management Sub-Committee of 24th August 2012 with a recommendation for grant of the application, but that final determination of the application was deferred until the occasion of a site visit which was scheduled to take place on 30 August 2012.

While the information available on the Council's website indicated that notification of the Application was served on Bridge House, neither our clients nor their tenants had received any such notification and accordingly our clients did not have the opportunity to object to the Application within the original statutory objection period. We understand that notification was re-issued on 31 August 2012 and our clients wish to put in writing their objections to the Application.

Our clients strongly object to the Application for the following reasons which are detailed more fully below:-

Glasgow Office:

Brodies LLP Solicitors
2 Blythswood Square
Glasgow G2 4AD, Scotland UK

T: [REDACTED]
DX GW11, GLASGOW-1

KCLV

Aberdeen

Edinburgh

Glasgow

Brussels

www.brodies.com

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- The proposal is contrary to Local Development Plan (LDP) Policy H2 on the basis of conflict with adjacent land uses;
- The proposal is contrary to Supplementary Planning Guidance "Harmony of Uses – Residential, Licensed Premises and Commercial Uses";
- Significant impact on existing businesses;
- Lack of residential amenity for prospective residents, and
- over development

Detailed Grounds of Objection

We note that the application site is located within a mixed use area of the city subject to policy H2 of the LDP. Policy H2 requires that:-

"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 would not impinge on the viability or operation of existing businesses in the vicinity".

Our client's primary concern is the impact of the proposed residential development on their existing business tenants and future tenants. It is understood that the proposed residential development would share its main access/stairwell with the existing businesses within Bridge House. This raises a number of concerns including security and is entirely inappropriate. It is also the case that the proposed development would lack any real quality of residential amenity given the other uses in close proximity, and the over-development of the existing accommodation by the creation of so many apartments/bedsits.

We have seen a copy of the correspondence sent by the managing director of Solutions (Aberdeen) Limited to the Planning Department on 28 August 2012 in this respect and would support the concerns raised in that letter.

Our clients existing tenants have already intimated that they will not renew their leases at the end of their current term if the Application is granted. This reaction clearly demonstrates that the development proposals would adversely impinge on the operation of existing businesses in the vicinity. The Application must therefore be viewed as contrary to policy H2.

The Council's Supplementary Planning Guidance (SPG) entitled "Harmony of Uses – Residential, Licensed Premises and Commercial Uses" approved in March 2012 does not appear to have been considered as part of the assessment of the Application. This is a significant oversight given the sections on "living/working above or below a business" and "residential developments in the city centre". We note in particular that the guidance states that changes of use from residential to a non-residential use shall not be approved where the proposal would involve a stairwell giving access to existing residential property being shared with non-residential users. While the current proposal involves the opposite situation, the sharing of a stairwell giving access to residential and non-residential uses must be equally applicable in the present

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circumstances. This policy position is repeated in the section of the guidance dealing with residential developments in the city centre. In this section it is stated that applications for residential developments will be refused where there is a common or shared access with licensed premises or other use detrimental to residential amenity. This is clearly the situation in the present case.

We also note that no noise assessment appears to have been carried out as required by the Council's SPG.

Conclusions

In summary therefore the Application should properly be regarded as contrary to LDP policy and the Council's own supplementary planning guidance. There are no material considerations which would overturn the presumption in favour of refusal of the Application.

In the current economic climate the protection of existing businesses within the Aberdeen City area should be a key consideration. Our clients therefore request that the Council recognise the concerns raised by them and their tenants, and refuse the Application.

We should be grateful if you would acknowledge receipt of this letter and circulate it to all those concerned as appropriate.

Yours faithfully



On behalf of Brodies LLP

cc. Tommy Hart, Planning and Sustainable Development (by email) – @aberdeencity.gov.uk;

4th of Sep 2012

Sai Gon

Application number: 120615

Vietnamese Cuisine

Dear Sir/Madam,

The reason I am writing to you is because I want to strongly object against the change from commercial to residential purpose of the proposed development comprising 27, 29, 29A Crown Terrace and 56, 58, 60, 62, 64.

At the moment, these properties are for commercial use solely and a change from this status into a residential development would be not appropriate due to various reasons: a challenge for an already overcrowded parking space on Crown Terrace, an increased amount of residential waste and a detrimental impact on the businesses we hold on Crown Terrace. Furthermore, I would like to say that this building is inappropriate for residential use and it can emerge various problems due to the proximity of this possible residential development to our restaurants.

As a consequence, I would like to kindly ask the planning committee to reject the application mentioned above.

Regards,

Sean Phu 

29a Crown Terrace, Aberdeen AB11 6HD
Tel: Tel/Fa

Mr Lee Restaurant

2 Crown terrace

Aberdeen

12/9/12

To: Planning Department and committee

Application Number: 120615

Proposed Address: 27 Crown Terrace Aberdeen

Dear Sir or Madam

The street is very busy for parking and this block building is commercial use. I know this building four office one Thai Restaurant, Indian Restaurant and Saigon Restaurant. Ground floor is shop. I hope this Building can keep same use but not for residential use. I would like to object for this development.

Regards



10th of Sep 2012

Dear Sir/Madam,

I would like to strongly object the proposed Development No. 27 on Crown Terrace (Application Number 120615), a proposed change of use from office accommodation to 7 No. flats.

This Development can have a damaging impact on my business; already threaten by the opening of the shopping mall in its proximity. The proposed development would increase the problem of parking on Crown Terrace, would lead to a mismanagement of residential wastage and not ultimately, would alter the environment of our clientele due to possible incidents between residents and customers.

For the reasons above, I consider that this proposed Development would dramatically affect the income of my business and finally, it could lead to the closure. Therefore, I would like to request your consideration regarding local businesses and as a consequence, please reject this development.

Regards,

Mr. Ash Fazal

Manager of Nirvana

23 Crown Terrace, /

