

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 : 08 November 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 Crown Terrace. This entrance is currently shared with the occupants of 'Bridge House' which include a travel company and IT business. There are 2 restaurants on the ground floor of the application property; namely Sai Gon and Royal Thai. 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. The property is the first floor of no 27 Crown Terrace but it stretches back to Bridge Street where it is at fourth floor equivalent. On the first floor of the building from the Bridge Street elevation, there is an Indian restaurant (Nazma Tandoori) which is 3 floors below the application property. 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.

## **HISTORY**

This application was reported to the Development Management Sub-Committee in August with a recommendation of conditional approval. The committee was minded to defer making a decision on the application until after a site visit had taken place. The site visit was subsequently cancelled as the neighbour notification was required to be undertaken again.

## **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 as existing with the flats sharing the same access door from Crown Terrace as the existing offices within Bridge House.

There are only internal alterations proposed with this application in order to provide 4 no bedsit apartments and 3 no one-bedroom apartments.

Cycle parking for 7 no cycles is also to be provided internally.

## **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 were initially received in respect of the application. The only material planning consideration raised related to perceived parking problems in the area and how this application might impact on that.

The re-neighbour notification was undertaken and during the notification period, 6 objections were received (3 of which were copies of the original objections received and 3 were from people with an interest in Bridge House). The additional matters raised in objection can be summarised as follows;

1. The application is contrary to Local Development Plan policy H2 by virtue that the development would impact negatively on the current non-residential uses (offices) within the same building. The proposed development raises security issues throughout the building which would impact on the viability of these businesses;
2. The application is contrary to Local Development Plan policy H2 by virtue that the development would not create a satisfactory residential environment by virtue of its location above restaurants;

## **PLANNING POLICY**

Aberdeen Local Development Plan policy H2 (Mixed Use Areas) states *applications for development or change of use within Mixed Use Areas 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.*

The Council's Supplementary Guidance on Harmony of Uses provides guidance on the various topics including *living/working above or below a business and residential developments in the city centre*. It states that whilst it is reasonable to expect an adequate level of residential amenity; urban centres are lively and vibrant places and those who live there should not expect that the amenity would be comparable to that of a purely residential area. It also states that developers must be mindful of the location of licensed and noisy uses. Although converting vacant upper floors to residential are acceptable in principle...applications should be refused where there is a common or shared access with licensed premises or other use detrimental to residential amenity.

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**

The Council's Supplementary Guidance (SG): Harmony of Uses states in the section *Living/Working Above or Below a Business Guidelines* that 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. The office has been empty for around 1-2 years and therefore the proposal should be welcomed in this respect.

The existing offices are accessed via Crown Terrace adjacent to the access for 'Royal Thai' but the application site is situated immediately above the restaurant. In terms of the proposed flats being above a licensed restaurant within a city centre location, it is considered that the level of residential amenity achievable would be less than what would be expected in a housing estate so allowances need to be made.

It is considered that the proposed flats would not impact on the viability or operation of the existing restaurants given the separate entrances. What needs to be assessed, however, is the level of residential environment which the flats would have given the close proximity to the licensed restaurants.

The current use as office would unlikely be impacted on by the 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 property 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 do not object to the application but do have concerns over the potential negative affect on the amentiy of the prospective residents given the lack of information relating to noise etc emanating from these adjoining and also neighbouring licensed food premises to the extent that they could not support the application. Although they raised concerns, the Environmental Health section have requested a condition for a noise assessment to be attached to any grant of permission. This would need 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 are identified and put in place, the level of amenity afforded by the residents would not so detrimental as to cause an unacceptable living environment. The Environmental Health section have made it clear that if the attenuation measures can be satisfactorily implemented, then there would be no concerns from them. In this respect, the application would be,

subject to a satisfactory noise survey and implementation of any necessary attenuation measures, not be considered to be contrary to the Council's SG on Harmony of Uses.

In reference to the offices which would use the same entrance, the Residential Developments in the City Centre section of the Harmony of Uses SG states applications for residential development should be refused *where there is a common or shared access with licensed premises or other use detrimental to residential amenity*. It is considered that the shared access with the offices would not be detrimental to the residential amenity of the proposed residential properties and therefore there is no conflict with the SG in this respect.

It is worth, however, looking at the potential conflict caused by virtue that there could be residential properties using the same entrance to the building as the business occupiers of Bridge House. Concern has been raised by occupiers of that property in relation to the potential safety and security fears should the permission be granted and implemented. The objectors contend that allowing the residential properties shared access to the property via this entrance would allow unrestricted access to the whole building which would compromise the security of the existing businesses and their staff and would impinge on the viability or operation of existing businesses in the building. The applicant's agent has suggested that there may be options which could be put in place to ensure that the current safety and security measures are not compromised but has not undertaken a full analysis and appraisal of these options. To that extent, a condition has been attached to the end of the report requesting such an appraisal to be undertaken, with options to ensure that the current situation is made no worse, to be agreed with the Planning Authority and the other occupiers of the building prior to any work commencing on site. Assuming that agreement can be reached in this respect, it is considered that the application would not conflict with the principles of ALDP policy H2.

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.

### **Objections raised**

In relation to the material planning consideration raised in the objection, the points raised in relation to impact on the existing uses, security and the level of residential amenity have been assessed and dealt with above.

The outstanding issue is comment received in relation to 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 at an unacceptable level.

It should be noted that there is the potential that the development would impact on the viability of the existing uses within the same building by virtue that both uses would utilise the same entrance. There is the potential for unrestricted access throughout the building which could impact on the current security/safety of the offices. However, an appraisal of options for ensuring the current security arrangements are retained or improved is required to be submitted and approved and this would remove any concern in that respect.

Taking account of all relevant information and the above assessment, the application is considered to be, on balance, acceptable and therefore recommended for approval subject to the conditions listed below.

## **RECOMMENDATION**

**Approve subject to conditions**

### **REASONS FOR RECOMMENDATION**

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Taking account of all relevant information and the above assessment, the application is considered to be, on balance, acceptable and therefore recommended for approval subject to the conditions listed below.

**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.

(6) That prior to the commencement of any works on site, an options analysis and appraisal relating to the increasing security at the entrance to the building and within the building itself shall be submitted for the further written approval by the planning authority and thereafter the agreed measures shall be put in place in consultation with the property owner and other tenants – to ensure the existing uses are not compromised by the new development

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.