

THE ACADEMY, 40 BELMONT STREET

CHANGE OF USE FROM RETAIL (UNITS 1-5)
TO TWO RESTAURANT UNITS (UNIT 1-2)

For: Royal Mutual Society Ltd

Application Type : Detailed Planning Permission
Application Ref. : P130255
Application Date: 01/03/2013
Officer: Gavin Clark
Ward : George Street/Harbour (A May/J Morrison/N Morrison)

Advert : Section 34 -Proj. Pub. Concern
Advertised on: 13/03/2013
Committee Date: 13 June 2013
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The site is presently 5 ground floor retail units within the Academy Shopping Centre. The units comprise approximately 600 square metres and, at present, has a frontage onto the Academy's internal walkway. At present two of these units are occupied by imusic, with the other 3 presently vacant.

The Academy is occupied by a number of shops, licenced premises, coffee shop and bars/ restaurants. The wider area is generally of a mixed use nature, but predominantly houses bars, nightclubs, restaurants and takeaways.

The site lies within Conservation Area 2 (Union Street).

RELEVANT HISTORY

There is no relevant history associated with the current application site boundary, however, there have been a number of applications in recent years associated with the Academy, ranging from changes of use, internal/ external alterations, telecommunications notifications and advertisement consents.

PROPOSAL

It is proposed to change the use from Class 1 (Retail) to Class 3 (Food and Drink) to allow the site to be used as two licenced restaurant units. The site currently hosts 5 retail units (numbers 1 – 5).

The proposed occupiers of the units are not yet known, however the proposal will see the current units on site reduced from five to two, allowing for a total floor area of approximately 600 square metres.

There are no external alterations proposed at this stage. However it is proposed to extend the unit into the internal glass walkway around the Academy Courtyard.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130255>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the application has been advertised as a project of public concern. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – response received, no objection.

Environmental Health – informal response received. A condition should be inserted into the planning consent in relation to the proposed means of filtering, extracting and dispersing of cooking fumes from the premises. In addition, conditions have been inserted in relation to hours of work and refuse storage/ collection. In addition, it was not considered necessary to insert a condition in relation hours of work, as there are no residential properties in the immediate locale.

Enterprise, Planning & Infrastructure (Flooding) – response received, no objection.

Community Council – no response received.

REPRESENTATIONS

None received.

PLANNING POLICY

Aberdeen Local Development Plan 2012

Policy C2 (City Centre Business Zone and Union Street) – Proposals for change of use from retail (Class 1 of the use classes order) to other uses within the city centre business zone will only be acceptable if, in other parts of the City Centre Business Zone, it can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant) and how the new use contributes to the wider aims for city centre enhancement.

The proposed new use must enhance or adequately maintain daytime vitality; and an active street frontage and the alternative use does not conflict with the amenity of the neighbouring area.

Policy D5: Built Heritage: Proposals affecting Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

Policy R6 (Waste Management Requirements for New Development) – Details of storage facilities and means of collection must be included as part of any planning applications for development which would generate waste.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

Policy C2 states that proposals for a change of use from retail to other uses within the City Centre Business Zone will only be acceptable if in other parts of the City Centre Business Zone, it can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant) and how the new use contributes to the wider aims for city centre enhancement.

The proposed new use must enhance or adequately maintain daytime vitality; and an active street frontage and the alternative use does not conflict with the amenity of the neighbouring area.

The applicant has submitted a supporting statement, which states that two of the units (the former AB10 and French Connection) have been vacant since late 2007. There has been very little letting activity in relation to these units. Quicksilver and Sandy Menzies also vacated the site during 2011, which has led to a whole corner of the scheme being vacant and interest in the sites has been minimal due to the lack of footfall and new retailers feeling isolated in this section of the mall. In addition, rents have been reduced significantly since 2008.

Two of the units were let out in early 2012 in order to stimulate longer term leads. Two retailers were identified in imusic and Aberdeen FC. Aberdeen FC vacated the site in May 2013.

The agent has also indicated that retailing opportunities have been extensively circulated round both national and local retailers via the joint agents and the units have even been offered for Christmas lets, which proved unsuccessful. The reasons given related to lack of prominence and footfall, which has resulted in retailers looking at other sites in George Street, Holburn Street and the west end of Union Street.

In summary, it is unlikely that these units will be let for retail use this year despite the efforts of the letting agent, even though the landlord has taken a proactive and flexible approach in respect of lease terms and rental. It has been demonstrated that the units have been marketed for a sufficient period of time, and restaurant use could therefore be supported.

At present there exists a thoroughfare between Schoolhill and Little Belmont Street. This route will be lost as a result of the development, with a more convoluted route, involving walking through the courtyard to a new access door, leading towards Little Belmont Street. The agent has advised that the intent is for the link to be of the same aesthetic as the existing mall with glazed doors to

both ends. It will remain open for public access over a period to accommodate the surrounding tenants opening and closing times as they exist. During their initial analysis they had considered whether this link should have more of an external aesthetic but viewed this as inappropriate because the roof and ceiling zone need to be retained as there are substantial landlord services there that cannot be reconfigured as this would make the proposals commercially unviable.

The loss of this existing thoroughfare is unfortunate, as the link between Schoolhill and Little Belmont Street will be lost, however, this reason alone does not provide sufficient justification to refuse planning permission, and the proposed link will still provide an access into the Academy, albeit via the courtyard.

The proposal will also result in the addition of active street frontages, and will enhance the daytime vitality of the area, but replacing empty retail units with two restaurant uses. The surrounding area also includes a number of restaurants, including Nando's, The Old Schoolhouse, Enigma and Costa Coffee, subsequently, the proposal does not conflict with these uses. The proposal is considered to accord with Policy C2 "City Centre Business Zone and Union Street" of the Aberdeen Local Development Plan.

No physical alterations are proposed to the building. The proposal will sit within the courtyard, and will provide an active frontage.

Roads officers are satisfied that there would be no changes in the parking situation in the area as a result of the proposal.

A condition will be attached to the planning consent requiring details of the extraction system to be submitted prior to the use commencing. A condition will also be attached in relation to refuse storage and disposal, to ensure accordance with Policy R6 "Waste Management Requirements for New Development".

It is not considered that the change of use would have any impact upon the character of the conservation area or the setting of the nearby listed buildings. The proposal therefore accords with Policy D5 "Built Heritage".

RECOMMENDATION: Approved subject to conditions

REASONS FOR RECOMMENDATION

The proposed change of use is acceptable; the loss of the retail unit would not have a detrimental effect upon the area. The proposal would allow the creation of two frontages onto the courtyard and would maintain daytime vitality and enhance evening activity. It has also been sufficiently demonstrated that the retail units have been marketed for a sufficient period of time, and the restaurant use can therefore be supported. The proposal therefore accords with Policies C2 "City Centre Business Zone and Union Street", D5 "Built Heritage" and R6 "Waste Management Requirements for New Development" of the Aberdeen Local Development Plan.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) that the use hereby granted planning permission shall not take place unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from the premises has been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation – in order to preserve the amenity of the neighbourhood.

(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.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

