

DESCRIPTION

The premises are currently vacant, however it was last used as a retail unit. The building has a frontage onto George Street, and lies within a parade of other retail units. The rear of the property faces on to a car park which is accessed from John Street. The building is of granite with a slate roof.

The application site relates to the ground floor only. However, the building contains residential uses at first and second floors above.

RELEVANT HISTORY

A8/1475 Replacement of windows to rear of property. Granted, 13/10/2008.

PROPOSAL

The application seeks planning permission for the change of use of the existing unit from retail (Class 1) to a turkish bath (Class 11).

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?130497>

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 – in accordance with current car parking standards the maximum permissible parking level is 9 parking spaces. No car parking is provided, therefore the site has a shortfall of 9 spaces. The proposed opening hours are 9:00 am till 22:00. The site is situated within a controlled parking zone (pay & display), which operates till 20:00. Concerned that between 20:00 (after the pay & display is no longer in operation) and 22:00 that the proposal would create additional pressure on existing on-street car parking spaces. Seeks a car parking survey to be undertaken every 30 minutes between 19:30 and 22:30 on one weekday (excluding Monday and Friday) and a Saturday (noting that dates of the survey must be first agreed with the Roads Project Team). The survey would be used to enable the Roads Project Team to form a view on the application from a roads perspective. In addition the Roads Project Team seek two cycle parking spaces which are secured.

Environmental Health – the proposal is located below domestic flats, and occupies the whole of the ground floor, which includes an area to the rear of the building.

Full details of extraction systems would be required, and a noise survey. This is to ensure that the occupants of the adjacent residential buildings are not adversely affected.

No moisture or odour should affect the integrity of the ceiling. Details of the type of ventilation and associated plant noise are required, and details of damp proofing.

Have concerns if the premises were open late at night, due to the potential disturbance of the residential premises above arising as a result of customers accessing and egressing the premises. The existing use has probably not been open beyond 6pm. Consider that a 10pm closure would be acceptable to protect residential amenity.

Advise that adequate and suitable refuse storage facilities should be provided, in agreement with Cleansing Client Services Section of Environmental Health.

Enterprise, Planning & Infrastructure (Flooding) - comments, no observations.

Community Council – no response received.

REPRESENTATIONS

None.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP), 2010.

SPP seeks to promote appropriate development, particularly within existing settlements. It seeks high quality development that is sympathetic to its setting and takes into consideration amenity.

Town centres are a key element of the economic and social fabric of Scotland, acting as centres of employment and services for local communities and a focus for civic activity, and make an important contribution to sustainable economic growth. Town centres should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses. Retail and leisure uses are fundamental to the concentration of other activities located in town centres and planning authorities should support a diverse range of community and commercial activities in town centres (para. 52).

The planning system has a significant role in supporting successful town centres through its influence on the type, siting and design of development (para. 57)

All retail, leisure and related developments should be accessible by walking, cycling and public transport. (para. 61).

Aberdeen City and Shire Structure Plan

Provides a spatial strategy for development, to ensure the right development in the right place to achieve sustainable economic growth which is of high quality and protects valued resources and assets, including built and natural environment, which is easily accessible.

Aberdeen Local Development Plan

Policy D1 Architecture and Placemaking – ensures that high standards of design are achieved through a number of considerations, including context, to ensure that the setting of the proposed development and its design is acceptable.

Policy D2 Design and Amenity – outlines a number of considerations which shall be taken into account when assessing a planning application in the interests of amenity considerations, mainly relating to residential, including privacy; residential development shall have a public face to a street and a private face to an enclosed garden or court; sitting out areas for residents (gardens).

Policy C1 City Centre Development- Regional Centre – ...the City Centre is the preferred location for...leisure development serving a city-wide or regional market.

Proposals for new...leisure...uses shall be located in accordance with the sequential approach referred to in the retailing section of the Plan and in the...Supplementary Guidance: Hierarchy of Retail Centres.

Policy C2 City Centre Business Zone and Union Street – this zone is the preferred location for major retail development. Proposals for change of use from retail to other uses in this zone will only be acceptable if :

(2) 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; and
- 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 H2 Mixed Use Areas – applications for...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. Development should not adversely affect the amenity of people living and working in the area.

Policy T2 Managing the Transport Impact of Development – new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility.

Policy R6 Waste Management Requirements for New Developments – there should be sufficient space for the storage of residual, recyclable and compostable wastes. It should accord with Supplementary Guidance on Waste Management.

Supplementary Guidance

Transport and Accessibility.

Waste Management Requirements in New Development.

City Centre and Retailing - Hierarchy of Centres.

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.

Principle

The unit falls within use Class 1 – Retail, although currently it is vacant. It lies within a row of other units within retail use. On the first and second floors are residential uses.

The site lies within the city centre boundary as identified in the Local Development Plan and within an area partly allocated as Mixed Use (Policy H2) and partly as City Centre Business Zone (Policy C2). On that basis, it is considered that the proposed use as a Turkish Bath is acceptable subject to ensuring that the use contributes to vitality and viability of the city centre, there being no adverse impact on residential amenity, and there being no adverse impact on road safety.

Amenity

Environmental Health Officials have advised that in principle there is no objection to the application, but has suggested that a number of conditions need to be applied should the application be approved. The matters that the conditions should cover are to ensure that the proposal does not adversely affect residential amenity, and include:

Hours of operation – the applicant has cited opening hours of 9:00am till 22:00. Environmental Health Officials have advised that the establishment should not be in operation beyond 22:00 to ensure that the proposal does not adversely impact on the amenity of the occupants of the flats above. It is considered reasonable and necessary to limit the opening hours.

Details of the ventilation – Environmental Health wish to seek details of any ventilation system to ensure that it would not cause a nuisance in terms of noise or odour for neighbouring occupiers. This is considered reasonable and necessary to ensure no adverse impact on residential amenity as a result of the proposed use arising from as a result of noise due to the installed systems or odours.

Details of damp proofing- Environmental Health wish to ensure that the use does not harm the integrity of the building by virtue of moisture build up. In response to this it is considered that it is not a matter relating to planning, and can be controlled by Building Standards. On that basis it is considered that it is not reasonable or necessary to apply such a condition.

Subject to conditions controlling the hours of operation and ventilation details it is considered that the proposal is acceptable in terms of impact on neighbouring residential occupants. The planning application is therefore judged to comply with Scottish Planning Policy, and Planning Policies H2 (Mixed Use Areas), D2 (Design and Amenity) and C2 (City Centre Business Zone and Union Street).

Transport

The Roads Project Team, whilst not objecting to the proposal, has requested a street survey to assess the capacity for car parking. Its concerns are limited only to the use of the unit as a Turkish Baths during the hours of 20:00-22:00 when the pay and display is no longer in operation. At all other times there are no concerns raised, because the site is within a controlled zone.

In response, it is considered that the survey sought by roads is not reasonable given the scale of the proposal. The Roads Project Team advised that they would seek a maximum of nine car parking spaces associated with the proposed use. It is concerned that when the pay and display is not in operation between 20:00 and 22:00 that there would be limited on-street car parking. It is considered that a car parking survey would only inform that there are insufficient spaces in the majority of instances.

The fact also remains that the building has an authorised use as a retail unit (Class 1) which in itself has the potential to generate a similar level of vehicular borne visitors, such as that associated with a hairdressers. Furthermore it is necessary to consider the long term future of this building, which is currently vacant; it is judged that the building being occupied contributes to the vitality of the area. The hours of operation are not too dissimilar to other shops opening at 9:00am, and whilst in this particular parade some are closed by 6:00pm, there are no controls preventing the shops opening beyond this till 22:00. The Roads Project team comment that the use would generate 9 car parking spaces, but this should be considered against the parking that the lawful use of the building for retail purposes would generate, which would be 4 spaces. In real terms the proposal therefore has a shortfall of 5 parking spaces above the lawful use, not 9. Consequently it is considered that whilst the development would result in on-street parking it is unlikely to result in any significant harm to highway safety or a significant shortfall.

The Roads Project Team also seek two cycle parking spaces, however, given that there is no available land externally; the limited space within the building; and the lawful existing use as retail, then it is considered that it is not reasonable to require cycle provision. The proposed use would bring back a building into use which is currently vacant. The site is located within the city centre, with a range of transport provision. It is all these factors together which are considered to outweigh the need for cycle parking provision. Four cycle spaces are provided within short walking distance close to the junction of George Street with John Street. Although these are not secure compounds, they do provide cycle parking.

Other

The proposed development of Turkish Baths is judged to fall within Class 11 of the Use Classes Order. This means that the approval of this application would result in proposals for other Class 11 uses not requiring planning permission. Other Class 11 uses include concert hall, cinema, dance/disco hall, skating rink, and casino amongst others. Given that there are residential premises above it is considered that a number of other uses within Class 11 could adversely affect the amenity of those occupants. On that basis it is considered necessary to limit this use to a Turkish Baths only, which means that planning permission would be required for any other use once the unit becomes operational. The nature of the other Class 11 uses are such that any music associated with them or people in attendance could cause a noise disturbance during opening hours which could be unacceptable. Limiting the use allows the Planning Authority effective control.

Waste management details are requested by Environmental Health. Bin storage is currently to the rear of the building. The application form states that waste storage and collection will remain as existing.

The application form clearly states that the proposal sought is for change of use, however it is noted that there are minor fenestration changes to the exterior of the building on the south-west elevation which overlooks the car park. These alterations amount to the infill of an existing roller door to accommodate a fire exit door. The infill will be finished in render to match. The other minor change is to alter a door to a fixed window. The dimensions will largely remain the same as the door, and the materials will match the existing. These minor changes are considered acceptable in design terms, and would not cause any harm in terms of residential amenity.

Conclusions

With the use of conditions securing hours of operation; the use; and details of ventilation systems it is considered that the proposed change of use to Turkish Baths would not have an unacceptable impact on residential amenity. The proposal would contribute to the vitality of the area bringing into use a vacant shop. On that basis it is recommended to Grant planning permission, subject to conditions.

RECOMMENDATION

Approved subject to conditions

REASONS FOR RECOMMENDATION

The proposal would contribute to the vitality of the area bringing into use a vacant shop in accordance with Policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan and Scottish Planning Policy which seeks to promote a variety of uses in town centres, including leisure. Planning Policy C1 (City Centre Development- Regional Centre) of the Local Development Plan states that the City Centre is the preferred location for...leisure development serving a city-wide or regional market. Proposals for new...leisure...uses shall be located in accordance with the sequential approach referred to in the retailing section of the Plan and in the...Supplementary Guidance: Hierarchy of Retail Centres. The proposal complies with Policy C1.

With the use of conditions securing hours of operation; restricting the use within Class 11; and the details of the ventilation systems to be agreed with the Planning Authority it is considered that the proposed change of use to Turkish Baths would not have an unacceptable impact on residential amenity complying with Scottish Planning Policy and Planning Policies D2 (Design and Amenity), and Policy H2 (Mixed Use Areas).

Whilst there would be a shortfall in car parking spaces, it is considered based on the merits of this case, that the shortfall is not significant above the lawful use of the unit. The controlled parking zone will manage traffic to a degree, and beyond 20:00 hours until close at 22:00 it is considered that the impact would be small.

It is recommended that approval is given subject to the following conditions:-

1. Prior to the commencement of development full details of all ventilation systems shall be submitted to and approved in writing by the Planning Authority, including any mitigation measures and noise data. The approved use shall not take place unless the ventilation scheme has been submitted, approved and fully installed in full accordance with the approved details. – For the purposes of clarification as no ventilation details were submitted, and to ensure that the installed systems will have no adverse impact on amenity of neighbouring occupants in terms of noise and/or odour.
2. The use hereby permitted shall not be open to customers other than between the hours of 09:00 and 22:00. – To protect the amenity of neighbouring occupiers, in particular in the interests of residential amenity.
3. Notwithstanding the provisions of Class 11 of the schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, or any Order revoking and re-enacting that Order, with or without modification, the approval hereby granted relates only to the use of the premises as a Turkish Baths and for no other use or purpose including any other activity within Class 11

of the said Order. – In order to ensure that the premises are not occupied for other uses which fall within Class 11 that may be inappropriate or unacceptable in the area due to impact on residential amenity.

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