

Planning Development Management Committee

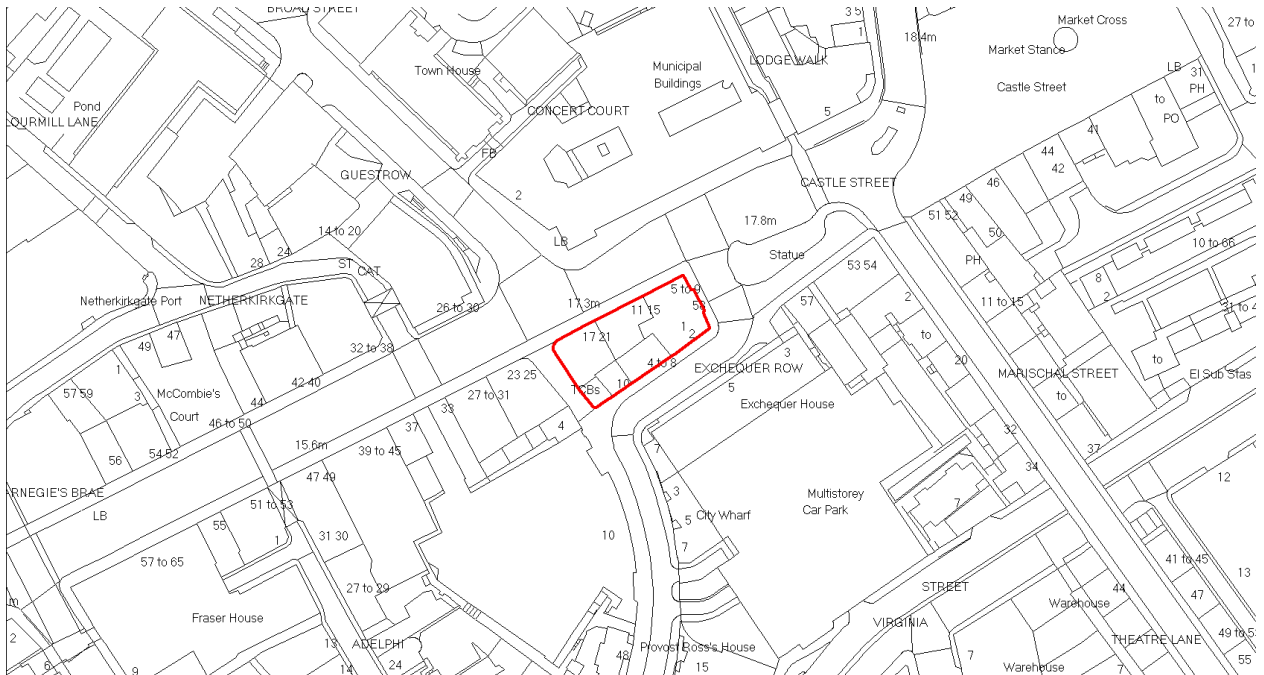
15 UNION STREET, ABERDEEN

CHANGE OF USE/CONVERSION OF FIRST TO FOURTH FLOORS TO FORM 45 SERVICED APARTMENTS, REPLACEMENT WINDOWS AND ASSOCIATED DORMER WINDOWS AND ROOF LIGHTS

For: Marketn Ltd

Application Type : Detailed Planning Permission
Application Ref. : P131611
Application Date: 14/11/2013
Officer: Gavin Clark
Ward : George Street/Harbour (A May/J Morrison/N Morrison)

Advert :
Advertised on:
Committee Date: 16 January 2014
Community Council : No response received



RECOMMENDATION:

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has made payment to the Council to secure the identified developer contributions towards car club membership.

DESCRIPTION

The site is located at the eastern extremity of Union Street opposite the Town House. 15 Union Street forms part of a 5 storey terrace of buildings, designed by the renowned local architect Archibald Simpson and erected over time to create a unified whole named the Union Buildings, of which the most celebrated section was the Athenaeum. In 1973 a serious fire resulted in the loss of the roof and most of the interior. As a result, most of the interior is relatively new, although some original timber floors on the west end of the building are reported to remain, whilst the mansard roof is totally new. The previous roof had a shallow pitch and would have been largely unseen from ground level. The building was originally listed as Category A, but was re-classified by Historic Scotland in 2007 to Category B. The site is located within the Union Street Conservation Area.

The upper floors of the building are currently vacant, although work is currently under way in relation to the internal fit out and replacement windows/ dormers. On the ground floor are two public houses, "The Athenaeum" facing onto Union Street and "Henry's Bar" facing Exchequer Row. There are also two shop units (one presently vacant) facing onto Union Street. In the basement is a licensed entertainment venue/night club known as "Snafu".

RELEVANT HISTORY

An application seeking planning permission (Ref: 130946) for the change of use/ conversion of the first to fourth floors to form 40 serviced apartments and replacement windows and associated dormer windows and rooflights was approved by the Planning Development Management Committee on the 26th September 2013. The current application seeks an amendment to this application to allow provision for 45 no. serviced apartments.

An application seeking planning permission (Ref: A8/1173) for the conversion of all of the upper floors of the building to form 41 flats was lodged with the Council in July 2008. The proposal was subsequently amended to delete the proposed first floor flats, reducing the number to 30 flats. The application was considered by the Planning Committee on 18 June 2009 when it was resolved *"to approve the application, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into appropriate arrangements with the City Council for making the planning gain contribution negotiated between the two parties and for the provision of affordable housing"*. This application was formally withdrawn in September 2013.

An application seeking listed building consent (Ref: A8/1172) for the conversion works to the second, third and fourth floors of the building was also lodged with the Council in July 2008. This application was approved conditionally on 1st July 2011. This proposal is currently being implemented.

An application seeking planning permission (Ref: P101518) for the change of use and conversion of the first floor of the building from office use to form 11 residential flats was withdrawn by the applicant on 3rd May 2011 prior to the application being determined.

An application seeking listed building consent (Ref: P101521) for alterations to form 11 flats at the first floor level was approved under delegated powers on the 30th June 2011.

PROPOSAL

The proposal seeks detailed planning permission for the change of use/ conversion of the first to fourth floors to form 45 serviced apartments, replacement windows and associated dormer windows/ roof lights, much of this work is currently being implemented under a previous permission.

The proposal is for serviced apartments, which the applicant has advised will be operated in association with the Aberdeen Douglas Hotel, which is located nearby on Market Street. The application is not for residential flats as has previously been applied for, or as mentioned in the letters of representation.

The apartments are to be laid out over the first to fourth floors. The first floor will accommodate 11 apartments, two of which are to have two bedrooms. The second floor will have 13 one bed roomed apartments, the third floor 12 one bed roomed apartments and the fourth floor 9 one bed roomed apartments.

The existing windows are currently being replaced, except for the curved window on the corner of Union Street and Ship Row and the large double height windows on the east elevation, which is to be retained. The other existing windows are to be replaced with timber sash and case double glazed units, with the frames to be of a matching profile. In addition, two new dormers and 3 conservation style roof windows (behind the existing pediment) will be located on the Union Street elevation, a new conservation style roof window (behind the existing pediment) will be located on the Ship Row elevation and two new conservation style roof windows will be located behind the existing pediment on the Castle Street elevation. These alterations have previously been granted Listed Building Consent (Ref: A8/1172) and Detailed Planning Permission (Ref 130946). These works are currently underway, with many of the alterations, including the installation of dormer windows already taking place.

In terms of refuse, bin storage is to be located to the rear of the property, on Exchequer Row.

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?131045>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Sub-committee as 7 letters of representation have been received. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – note that the applicant plans to change the use of the existing premise to a 45 room serviced apartment.

Normally the applicant would be required to provide 28 parking spaces. No off-street parking is proposed as part of the development. However, they note that the surrounding area is subject to a controlled parking zone, and this will act to discourage indiscriminate parking. Furthermore the proposed development has adequate accessibility to public transport. They have also confirmed that no part of the development will be eligible for a parking permit.

I note that the applicant has provided two long stay cycles parking for this proposed development. They have considered this number acceptable, given that there is little room to accommodate further cycle parking on either the ground or basement level. A condition will be inserted to ensure this is implemented.

They have also noted that sustainable transport measures in Travel Plan include car club discussions. I would advise that the developer should instigate discussions with the car club and relevant officers within the council. These discussions took place with both the previous application, and the amended proposal, with appropriate contributions agreed and paid prior to implementation.

In conclusion, they have no objection to the proposal, subject to appropriate conditions.

Environmental Health – have no objection to the proposal, provided the same conditions are inserted to those of Planning Application Ref: 130946). A more detailed assessment of their response is contained within this report.

Developer Contributions Team – no further contributions are required, as there is to be no increase in floor area.

Enterprise, Planning & Infrastructure (Flooding) - no observations

Community Council – no response received.

REPRESENTATIONS

Seven letters of representation have been received. The objections relate to the following matters –

1. The amenity of the residents of the application subjects would be significantly impacted upon by noise emitting from the bar and nightclub – and the applicants are unable to protect the residents of the application subjects from noise emitting from the ground and basement premises;
2. Noise measurements contained in the Noise Assessment will have to be reviewed by Environmental Health – but Section 4.14 advises that music from the nightclub is clearly audible on the first floor, reaching up to 69.9dB in some places. Section 4.15 refers to it being approximately 38dB above the inaudibility criteria; Difficult to achieve the noise levels set out in the submitted Noise Assessment;
3. Due to the shared access from the fire door of the nightclub into the central stairwell of the building the application fails to comply with the Supplementary Guidance on Harmony of Uses;
4. The proposal conflicts with the presumption in favour of retaining and developing commercial uses within the City Centre Business Zone;
5. Given the present demand for city centre office space, the applicant has not justified the need to depart from the current permitted use of the upper floor of the building as office premises;
6. The applicants are unable to carry out the proposals and recommendations in their noise assessment, as they do not own, or have rights of access over much of the property required to mitigate against noise;
7. Conflicting land use within the building is likely to result in future complaints to Environmental Health;
8. The proposed development will generate additional traffic in an area with very little parking, or stopping off, and will cause a hazard to road users through vehicles parking nearby the premises;
9. The proposed development does not include any car parking provision, and will therefore lead to additional pressure on car parking in the surrounding streets;
10. Noise measurements contained in the Noise Assessment will have to be reviewed by Environmental Health – but Section 4.14 advises that music from the nightclub is clearly audible on the first floor, reaching up to 69.9dB in some places. Section 4.15 refers to it being approximately 38dB above the inaudibility criteria; it is therefore difficult to achieve the noise levels set out in the submitted Noise Assessment;
11. Potential damage to businesses on ground and basement floors;

12. The proposed application will not secure residential amenity, and the application fails to comply with the Supplementary Guidance on Harmony of Uses;
13. The noise report submitted with the application relates to a different development/ layout;
14. The applicant has erected a wall on the ground floor which has since been removed, however the noise assessment which makes reference to the wall, or future requirement for a wall, should be reviewed in this context;
15. The current ground floor layout does not correspond with the layout plans submitted with the application; and
16. The Council is currently consulting on draft Supplementary Guidance for Serviced Apartments; the application is therefore premature until such a time as the guidance is in place.

PLANNING POLICY

National Planning Guidance

Scottish Planning Policy: Paragraph 33 states that “*the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places*”

Paragraph 80 states that “*Planning Authorities should promote the efficient use of land and buildings, directing developments towards sites within existing settlements where possible to make effective use of existing infrastructure and service capacity and to reduce energy consumption*”.

Paragraph 111 states that “*in most cases, the historic environment can accommodate change which is informed and sensitively managed, and can be adapted to accommodate new uses whilst retaining its special character*” and “*the aim should be to find an economic use that is viable over the long-term with minimal impact on its special architectural and historic interest of the building or area*”. Paragraph 113 advises that “*change to a listed building should be managed to protect its special interest whilst enabling it to remain in active use*”.

Scottish Historic Environment Policy (SHEP): Paragraph 3.48 advises that “*where a proposal involves alteration or adaption which will sustain or enhance the beneficial use of the building and does not adversely affect the special interest of the building, consent should normally be granted*”.

Aberdeen Local Development Plan

Policy C2: City Centre Business Zone and Union Street: states proposals to use basement and upper floor levels for retail, residential and other appropriate purposes will be encouraged in principle.

Policy I1: Infrastructure Delivery and Developer Contributions: where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet, or contribute to the cost of providing or improving such infrastructure or facilities.

Policy T2: Managing the Transport Impact of Development: states that new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/ or legal agreements may be imposed to bind the targets set out in the Travel Plan and set arrangements for monitoring, enforcement and review.

Policy D1: Architecture and Placemaking: states that, to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in addressing that contribution.

Policy D3: Sustainable and Active Travel: new development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved.

Policy D5: Built Heritage: states that proposals affecting Listed Buildings or Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

Supplementary Guidance

Infrastructure and Developer Contributions Manual

Transport and Accessibility

Harmony of Uses

Technical Advice Note: The Repair and Replacement of Windows and Doors

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.

Principle of Development:

The application site forms part of the Union Buildings and is located within the City Centre Business Zone. Policy C2 “City Centre Business Zone and Union Street” states that proposals to use basement and upper floor levels for retail, residential, and other appropriate purposes will be encouraged in principle. This is on the basis that any proposal provides an appropriate level of amenity to such developments.

The proposal is for serviced apartments, which the applicant has advised will be operated in association with the Aberdeen Douglas Hotel. The application is not for residential flats as has previously been applied for or and the use of serviced apartments has already been supported under application Ref: 130946.

The proposal is considered to be compliant with the uses in the surrounding area and would bring a redundant building back into use. It is considered that the an acceptable level of amenity can be achieved, as indicated in the submitted noise assessment, furthermore, a condition ensuring that an acceptable level of amenity could be met is recommended. The proposal is therefore considered to be compliant with this section of policy.

Design:

As had previously been mentioned the proposal includes a number of alterations including the replacement of a number of windows and doors, as well as the inclusion of additional dormers and roof windows. These alterations have previously been the subject to an application for listed building consent and detailed planning permission on all four floors (Ref: 101521, 130946 and A8/1172) and are presently being implemented. The design, materials and style are acceptable. Subsequently, the proposal is considered to accord with Policy D1 “Architecture and Placemaking” and the relevant Technical Advice Note: The Repair and Replacement of Windows and Doors.

Noise:

As was detailed in the previous submission, the applicants have submitted an amended noise assessment along with the application. A previous application associated with the site (Ref: A8/1173) recommended that the first floor be used as a buffer zone with no flats to be built. The current application recommends mitigation measures to allow permission for the first floor of the property to be used as serviced apartments.

Noise measurements were undertaken on the 23rd and 31st May 2013, measurements were made throughout the first to fourth floors when the club was operational. The report noted that noise from the club increased after midnight.

Access to the club and to the Athenaeum was not granted, so a level difference could not be established.

The report concluded that, following an upgrade in the Snafu sound system noise levels have increased by about 8dB on the first floor since the previous noise assessment in 2009. Noise levels on the 2nd to 4th floors have remained at similar levels.

The report has recommended that the current 6mm sash glazing is to be kept and a secondary 4mm sash with a 100mm air gap is to be added. The proposed system, according to relevant guidance, will provide an adequate sound reduction, and thus the internal noise levels should meet the Council's requirements.

It is noted that it is imperative that improvements are made to the Snafu fire door and fire escape route. The report recommends that the existing fire door is upgraded and the fire escape is partitioned off such that the access to the serviced apartments above is in a separate part of the building. The applicants have submitted amended plans which show that the fire door to Snafu will be partitioned off, which will help minimise potential noise from the basement floor. A further recommendation is to provide absorptive material to the central staircase to minimise noise transmission.

A "box in box" construction is recommended on all floors and based on a jack up floor system. The report advises that this system is capable of achieving the "inaudibility" criteria for all floors, should it be installed, for all floors assuming a 1" floating floor air gap is adopted in line with recommendation.

Some of the submitted letters of representation made comment with regards to possible noise complaints arising from any future residents. The Council's Supplementary Guidance on Harmony of Uses acknowledges that liquor licence premises (three of the properties below are bars) can cause conflict between different uses, which may give cause for concern. Noise nuisance can arise from both within and out with liquor licence premises and may be generated by playing music from sound systems and juke boxes, deliveries and ground of people etc.

The greatest potential impact on amenity in the area is presently created by the nightclub in the basement although there is also noisy activity such as karaoke nights in the café/ bars on the ground floor, and this could potentially be intensified. Whilst it is fortunate that the noisiest activity is in the basement and, therefore, furthest away from the proposed serviced apartments, the licensed premises on the ground floor could potentially be a source of nuisance for any apartments on the first floor immediately above.

Notwithstanding the above, the proposal has been assessed fully by the Council's Environmental Health Officers, who are satisfied that "box within a box" construction method and the recommended measures identified in the noise impact assessment will lessen the predicted noise levels to an acceptable extent.

A further noise assessment would be undertaken prior to habitation of the building to ensure that the inaudibility as described within the Noise Impact

Assessment had been met. The proposal is therefore considered to comply with the Supplementary Planning Guidance Note.

Roads/ Car Club Membership:

Policy T2 of the ALDP states that new developments will need to demonstrate that sufficient measures have been undertaken to minimise traffic generated. In this respect a Travel Plan was submitted with the application.

The submitted Travel Plan has advised that the site is well served by bus routes, rail routes and an NCP pay and display car park, in which the applicant has agreed reduced rates for potential occupants. Information would be provided to all occupants.

The document concluded that the location is within the City Centre, close by the existing public transport and rail network, and that the development is located close to various pay and display car parks in the city, should occupants travel to Aberdeen or hire a car during the day.

The applicant has also agreed to enter into an agreement to provide car club memberships. A proportion of this was paid and agreed in association with the previous permission. Agreement has also been reached over a figure for the additional five apartments, which will be paid prior to issuing the planning consent. This will provide occupiers of the apartments with memberships and vouchers to allow access to vehicles located throughout the city. The applicant, as part of the required payment, will also provide partial funding for a new car to be located on Marischal Street.

In terms of cycle parking, provision for two cycles would be provided within the curtilage of the property and refuse detailing has been adequately dealt with, the proposal is therefore considered to accord with Policies T2 and D3 of the Aberdeen Local Development Plan and the relevant Supplementary Guidance on Transport and Accessibility.

Developer Contributions:

The Council's Supplementary Guidance in relation to Infrastructure and Developer Contributions and Policy I1 of the ALDP states that development should be supported by the infrastructure and developer contributions necessary to support the proposed development.

Payment has previously been made, and as there is no increase in overall floor area no further contributions will be required. The proposal is considered to accord with Policy I1 of the Aberdeen Local Development Plan and it related Supplementary Planning Guidance on Infrastructure and Developer Contributions Manual.

Letters of Representation:

Twelve letters of representation have been received, which addressed a number of issues including noise, residential amenity and traffic impact. These issues are summarised and addressed as follows:

1. The amenity of the residents of the application subjects would be significantly impacted upon by noise emitting from the bar and nightclub – and the applicants are unable to protect the residents of the application subjects from noise emitting from the ground and basement premises.
2. Noise measurements contained in the Noise Assessment will have to be reviewed by Environmental Health – but Section 4.14 advises that music from the nightclub is clearly audible on the first floor, reaching up to 69.9dB in some places. Section 4.15 refers to it being approximately 38dB above the inaudibility criteria; Difficult to achieve the noise levels set out in the submitted Noise Assessment.

Response: The proposal has been assessed by the colleagues in Environmental Health, who have advised their satisfaction with the findings of the submitted Noise Impact Assessment. They feel that an acceptable level amenity can be achieved for the users of the serviced apartments. A condition to the consent ensuring construction in accordance with the submitted assessment is recommended. In addition, a further assessment will be requested on completion of the works to ensure construction in accordance with the findings, and to ensure an acceptable level of amenity can be provided.

3. Due to the shared access from the fire door of the nightclub into the central stairwell of the building the application fails to comply with the Supplementary Guidance on Harmony of Uses.

Response: The submitted noise assessment highlighted the fire escape/ central stairwell as a major noise constraint. As a result the applicants have submitted a drawing showing the fire escape partitioned off from the reception area of the building. As a result the proposal is considered acceptable.

4. The proposal conflicts with the presumption in favour of retaining and developing commercial uses within the City Centre Business Zone;
5. Given the present demand for city centre office space, the applicant has not justified the need to depart from the current permitted use of the upper floor of the building as office premises.

Response: Policy C2 “City Centre Business Zone and Union Street” states that proposals to use basement and upper floor levels for retail, residential and other appropriate purposes will be encouraged in principle.

6. The applicants are unable to carry out the proposals and recommendations in their noise assessment, as they do not own, or have rights of access over much of the property required to mitigate against noise”

Response: Issues in relation to land / property ownership and rights of access are a legal matter between the owners of the properties. This is not a material planning consideration. Notwithstanding, co-operation may be required between other owners in relation to measures identified in the noise assessment, in order to comply with the recommended conditions and thus to permit the occupation of the development.

7. The application relates to Floors 1-4. A previous application (A8/1173) for floors 1-4 was submitted in 2008, and although this was not granted the Council made it clear that consent would not be approved on the first floor. The Noise Assessment states that in relation to the first floor, even if mitigation measures were all achieved "it is difficult to say whether the appropriate noise criteria could be met

Response: The above application was submitted by another applicant. A further noise assessment has been submitted, which has concluded that satisfactory noise levels can be achieved.

8. Conflicting land use within the building is likely to result in future complaints to Environmental Health

Response: Whilst complaints could be received from occupiers of the serviced apartments, Environmental Health are satisfied with the findings of the Noise Assessment, and have requested the submission of a further noise assessment upon completion of the works on site.

9. The proposed development will generate additional traffic in an area with very little parking, or stopping off, and will cause a hazard to road users through vehicles parking nearby the premises

10. The proposed development does not include any car parking provision, and will therefore lead to additional pressure on car parking in the surrounding streets;

Response: The proposal has been assessed by colleagues in the Roads Projects Team, who have raised no objections to the proposal. In addition, cycle parking facilities will be provided within the properties, and membership of a car club has been agreed with the applicants. These matters are likely to lessen any impact on the transport network.

11. Shared access to the fire door at street level with the nightclub within the basement. Due to this shared access from the fire door of the nightclub into the central stairwell of the building the application fails to comply with the Supplementary Guidance on Harmony of Uses"

The applicant has indicated sole ownership of this area, and has submitted an amended ground floor plan, which shows an additional access into the basement level, which will allow access in the event of a fire, and will also help minimise any potential noise impacts, the proposal is therefore considered to accord with the Supplementary Guidance.

12. Potential damage to businesses on ground and basement floors

Response: The proposal will be subject to a further noise assessment, which will ensure that any impact on the public house/ nightclub would be minimal.

13. The noise report submitted with the application relates to a different development/ layout;

Response: This issue has now been resolved, and an amended Noise Report has been submitted.

14. The applicant has erected a wall on the ground floor which has since been removed, however the noise assessment which makes reference to the wall, or future requirement for a wall, should be reviewed in this context;

Response: Works on site will have to be carried out in accordance with the submitted plans. The noise assessment and plans submitted appear to accord.

15. The current ground floor layout does not correspond with the layout plans submitted with the application; and

Response: The floor plans are acceptable.

16. The Council is currently consulting on draft Supplementary Guidance for Serviced Apartments; the application is therefore premature until such a time as the guidance is in place.

Response: At present the above SPG is in its draft stage. The principle of serviced apartments has already been established on this site. It is not considered premature to grant an additional five serviced apartments on this site.

Other Material Planning Considerations:

The proposal is also considered to accord with the principles set out in both Scottish Planning Policy, and Scottish Historic Environment Policy (SHEP). The proposals are considered to be appropriate given the central location of the site and its relationship with surrounding uses. The current proposals would also see the upper floors of a prominent building on Union Street being brought back into use, and in turn help enhance the listed building. As a result of the above, the proposal is also considered to be in accordance with SHEP. There are no other material planning considerations which would warrant refusal of planning permission.

Conclusion:

In conclusion, although it is acknowledged that it would be challenging to achieve a reasonable level of amenity within the serviced apartments, the submitted noise assessment, along with comments from Environmental Health have indicated that there is a technical solution to ensure the required levels can be achieved.

The recommendation is, therefore, to approve the application, subject to conditions, with the consent document being withheld until the developer contribution in relation to core paths and car club memberships have been met.

RECOMMENDATION

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has made payment to the Council to secure the identified developer contributions towards car club membership.

REASONS FOR RECOMMENDATION

The proposal is considered to be an acceptable form of development that would bring an unused building back into use. The principle of development has already been established via previous permission 130946. Following the submission of the Noise Assessment, it is considered that an acceptable level of amenity would be provided to the proposed users and Environmental Health Officers are satisfied with these findings. This can be controlled via planning condition. The bringing back into full use of redundant or underused floor space in the upper floors will help to ensure the long term commercial viability of the building. Subject to agreements with regards to car club membership the Council's Roads Projects Team has no objection to the proposed development.

The proposal is therefore considered to accord with Scottish Planning Policy (SPP), Scottish Historic Environment Policy (SHEP), Policies C2 "City Centre Business Zone and Union Street", Policy I1 "Infrastructure Delivery and Developer Contributions", Policy T2 "Managing the Transport Impact of Development", D1 "Architecture and Placemaking", D3 "Sustainable and Active Travel" and D5 "Built Heritage. The proposal is also considered to accord with the relevant Supplementary Planning Guidance. There are no material planning considerations which would warrant refusal of planning permission.

CONDITIONS

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

(1) That the serviced apartments hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on drawing no. L(20)051B have been provided - in the interests of encouraging more sustainable modes of travel.

(2) That the serviced apartments hereby granted planning permission shall not be occupied unless a noise assessment is carried to confirm the effectiveness of the works and that the predicted sound reduction levels detailed in the Bureau Veritas noise assessment dated 26 June 2013 have been achieved and the assessment has been submitted to, and agreed in writing by the Planning Authority, in consultation with the Environmental Health Service - in order to preserve the amenity of the occupiers of the serviced apartments.

(3) The property, inclusive of the serviced apartments and building access, shall be constructed in accordance with the recommended design described in the Bureau Veritas noise assessment dated 26 June 2013, or in accordance with an

equivalent scheme to meet or specified noise reduction levels and 'inaudibility' criteria as may be agreed in writing by the Planning Authority - in the interests of residential amenity.

(4) That the serviced apartments hereby granted planning permission shall not be occupied unless details of a mechanical ventilation system drawing air from the roof of the building shall be provided for the apartments fronting Union Street to minimise exposure to potential exceedances of the national Air Quality Objectives has been submitted to, and agreed in writing by the Planning Authority, in consultation with the Environmental Health Service - in order to preserve the amenity of the occupiers of the serviced apartments.

(5) That following the first 6 months of the approved development being brought into use, details shall be submitted to the Planning Authority highlighting how the issues identified in the submitted Travel Plan have been achieved - in order to encourage more sustainable forms of travel to the development.

(6) Not any one of the serviced apartments hereby approved shall be occupied for a period in excess of 90 days in any one calendar year by any one family, individual or group. - The development has insufficient amenity space for permanent occupancy as a residential unit and no parking provision, and has not been assessed as residential development. It is therefore considered expedient to control occupancy.

Dr Margaret Bochel

Head of Planning and Sustainable Development.