

Planning Development Management Committee

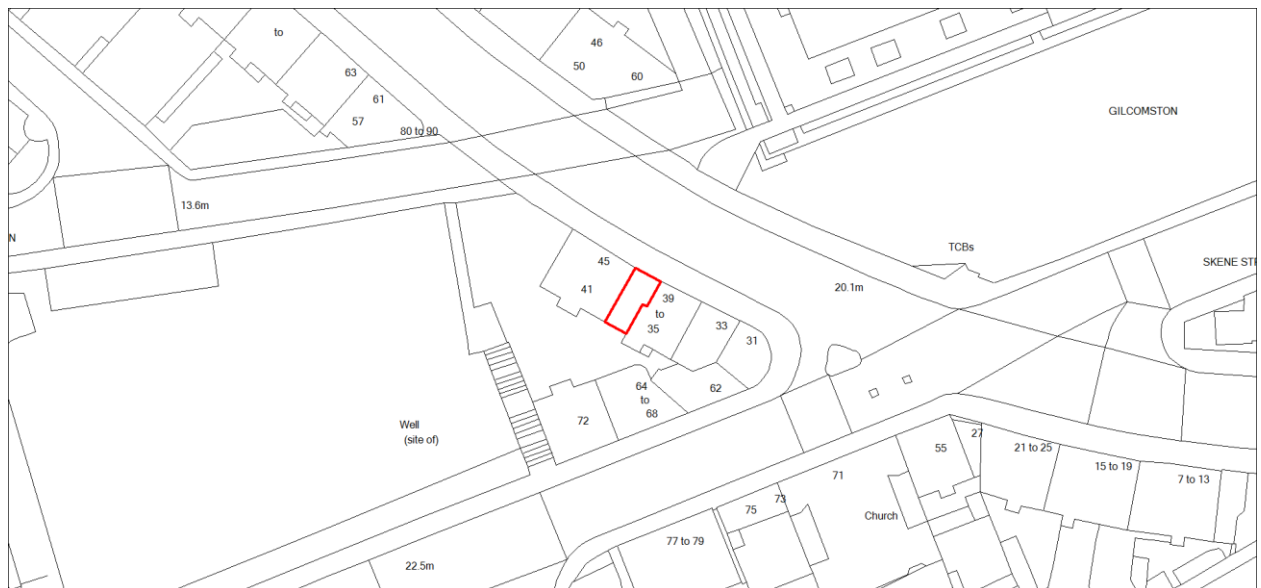
39 ROSEMOUNT VIADUCT, ABERDEEN

CHANGE OF USE FROM CLASS 1
(HAIRDRESSING SALON) TO CLASS 3
(COFFEE SHOP)

For: Pastor Jonathon Morgans

Application Type : Detailed Planning Permission
Application Ref. : P140863
Application Date: 25/06/2014
Officer: Gavin Clark
Ward : Midsocket/Rosemount (B Laing/F Forsyth)

Advert :
Advertised on:
Committee Date: 21 August 2014
Community Council : No response received



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site lies on the southern side of Rosemount Viaduct, close to its junction with Skene Street and comprises a ground floor retail unit which forms part of a four storey unlisted building with residential accommodation located above. The property has a fully glazed aluminium framed frontage. The surrounding area is mixed use in nature and includes a public house, cafes, business premises, shops and residential properties at upper floor levels. The site is also located within the Union Street Conservation Area.

RELEVANT HISTORY

None

PROPOSAL

Detailed planning permission is sought for a change of use of the premises from Class 1 (Shop) to Class 3 (Food and Drink), with an ancillary element of takeaway food, no external alterations to the property are proposed.

The applicant has indicated that the property would serve coffees, teas and cold drinks, along with sandwiches, soup, baked potatoes, pies, simple breakfasts, paninis, cakes and tray bakes either for consumption within the premises or for take-away. The shop would provide seating over two levels, with 20 seats at ground floor, and a further 12 seats at basement level. The applicant has also stated that no deep-fat cooking would take place on site.

It should be noted that the applicant's have applied for Class 3 Use only, which would allow for the consumption of food within the premises with ancillary take-away facilities. If the applicants wished to apply for a take-away on a more intense scale, then a further application for planning permission would be required.

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?ref=140863>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because six letters of representation have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – no objection

Environmental Health – no objection to the application, but have requested the insertion of conditions in relation to deep fat frying, means of ventilation, filtration and dispersal of cooking fumes, submission of a noise assessment to identify potential noise sources, restriction on hours of delivery and operation and provision of suitable means of waste storage including recycling.

Enterprise, Planning & Infrastructure (Flooding) – no objection

Community Council – no response received

REPRESENTATIONS

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

1. The proposed development would constitute over-development of the premises and would result in over-provision in the surrounding area, with seven charity shops and coffee shops of a similar nature located in the surrounding area;
2. The cooking facilities required for soup and baked potatoes do not appear to have been factored into the submitted plans. Inadequate cooking spaces and preparation areas to be provided within the site;
3. The proposed opening hours are excessive for a café;
4. No provision has been made within the site for waste storage facilities;
5. That the proposed use may attract drug/ alcohol abusers, who may have a negative impact on occupiers/ workers of neighbouring uses;
6. No provision has been made for disabled access on the ground floor. The only facilities are located at lower ground floor level, which is accessed by an impractical stairwell;
7. The department of hot drinks, soup and other food stuffs present an unacceptable and unavoidable risk of scalding and/ or falls and injuries to members of staff and the public;
8. Allowing pedestrian access to the lower ground floor levels could provide a security risk;

9. The facilities appear cramped, which in turn would make the premises difficult to clean and would result in inadequate levels of hygiene;
10. No provision has been made within the site for staff changing facilities.

The letters advised of no objection to the objectives of helping long-term employed back into work, but feel that the current proposals are “inappropriate, misguided” and capable of providing difficulties to neighbouring uses.

PLANNING POLICY

Aberdeen Local Development Plan

Policy H2: Mixed Use Areas: states that 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.

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

Policy R6 (Waste Management Requirements for New Development): states that details of storage facilities and means of collection must be included as part of any planning application 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.

Principle of Development:

Policy H2 (Mixed Use Areas) of the ALDP states that applications for change of use in 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.

The proposal is located within an area that includes cafes, public houses, business premises and residential flats. The addition of a further café would not alter or degrade the character of the surrounding area. The proposed use would have no “cooking” and would relate mainly to the re-heating/ preparation of cold

food within the premises. The proposed “take-away” element would be ancillary to the Class 3 use, with a lower number of people entering/ existing the building. Any necessary extraction/ ventilation system would ensure that issues relating to odours would be minimised. The impact on the residential properties above would therefore be negligible. The proposed use would not conflict with adjacent properties, and it is considered that the proposal does not offend the general principles of Policy H2 (Mixed Use Areas) of the ALDP.

Environmental Health Response/ Issues:

Environmental Health have been consulted formally on the proposal and have made comment with regards to the nature of the proposed use and lack of information in relation to the proposed methods of cooking and use of the building. As a result they have requested the insertion of conditions in relation to the proposed means of filtering, extraction and disposing of cooking fumes, the submission of a noise assessment, sound attenuation, delivery times, refuse storage, litter and construction hours. They have also provided an informative in relation to refuse storage and litter bins.

In response to the above paragraph, the applicant has indicated the proposed methods of cooking within the site (cooking of baked potatoes, making of toasties and preparation of cold food etc.), and has advised that no deep-fat frying/ cooking would take place on site.. In this regard, it is considered appropriate to insert a condition requiring that no cooking/frying operations or hot food preparation shall be carried out on the premises other than the use of Paninis/ sandwiches etc. Given the fact that the proposed use would have a negligible impact on the upper floor residential properties and the nature of uses in the surrounding area, it is not considered necessary to impose a condition requiring the submission of a noise assessment in this instance. Conditions in relation to delivery times waste and litter, which were all requested, would be incorporated into the planning consent.

The proposal would also see the imposition of a condition restricting the hours of delivery between 7.00am - 7.00pm Monday to Saturday and 10.00am - 4.00pm Sundays. It is considered appropriate to impose this condition to restrict noise disturbance to during daytime hours.

Built Heritage:

No physical alterations are proposed, and there would be no impact on the character and appearance of the surrounding conservation area. The proposal therefore does not offend Policy D5 (Built Heritage) of the ALDP.

Waste Management:

The applicants have indicated that waste will be dealt with alongside existing arrangement, however, no further details have been provided, subsequently, a condition has been inserted requiring the submission of additional information

and providing clarification for on-site refuse storage and uplift arrangements. The proposal is therefore deemed to be in accordance with Policy R6 (Waste Management Requirements for New Developments) of the ALDP.

Issues Raised in Letters of Representation:

1. No physical alterations are proposed to the building, so the proposal could not be constituted as overdevelopment. In addition to this, the issue of over-provision is not a material planning consideration;
2. This issue has been discussed elsewhere, no deep fat frying/ cooking would be undertaken on site, the proposal would include paninis, soup, hot potatoes etc.; in addition, any concerns in relation to the cooking of foods/ fumes would be controlled by Environmental Health;
3. The opening hours are consistent with a number of other consented cafes. A condition restricting the opening hours between 8am and 10pm is considered appropriate;
4. This further information would be requested via planning condition;
5. This matter is not a material planning consideration;
6. This matter is not a material planning consideration; provision could be made at upper floor level for a disabled toilet (within the area annotated as cleaners store on the annotated drawings);
7. This matter is not a material planning consideration;
8. This matter is not a material planning consideration;
9. This matter is not a material planning consideration;
10. A staff room has been provided within the premises; however this is not a material planning consideration.

Conclusion:

In light of the above comments, the proposal is considered to be acceptable, there are no material planning considerations in this instance which would warrant refusal of planning permission. The proposal is therefore recommended for conditional approval.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed development would have a negligible impact on the surrounding area, which is predominantly mixed use in nature, with a number of bars, cafes, shops and residential properties in situ, the proposal does not offend the principles of Policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan. Adequate waste facilities can be provided within the site, and have been requested via planning condition, the proposal therefore does not offend the general principles of Policy R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan. The proposal would have a neutral impact on the character of the conservation area.

CONDITION

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

(1) that no cooking/frying operations or hot food preparation shall be carried out on the premises other than the re-heating of pre-cooked produce by means of a microwave oven, unless the planning authority has given prior written approval for a variation - in order to prevent the creation of nuisance by the release of odours.

(2) 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 service deliveries/uptime to and from the premises be restricted to occur only between the hours of 7.00am - 7.00pm Monday to Saturday and 10.00am - 4.00pm Sundays - in order to preserve the amenity of the neighbourhood.

(3) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and recycling 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.

(4) that the hours of operation of the proposed cafe shall be restricted to 8.00 am until 10.00 pm, unless the planning authority has given prior written approval for a variation - in order to preserve the amenity of residents in the adjacent properties.

INFORMATIVES

The applicant should contact Mr Jim Arnott (Tel: 01224 489272) of the Council's Cleansing Client Section in order to discuss the number and size of bins required and the proposed location of the bin storage area.

Dr Margaret Bochel

Head of Planning and Sustainable Development