



OLIVE TREE, 32 QUEEN'S ROAD,
ABERDEEN

CHANGE OF USE FROM RESTAURANT
TO BAR AND RESTAURANT, NEW
EXTERNAL ENTRANCE & INTERNAL
ALTERATIONS.

For: Mr & Mrs Mike Reilly

Application Ref. : P091777
Application Date : 18/11/2009
Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 02/12/2009
Officer : Matthew Easton
Committee Date : 11 February 2010

Ward: Hazlehead/Ashley/Queen's Cross(J
Farquharson/M Greig/J Stewart/J West)
Community Council:

RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The site comprises a former toll house and adjoining two-storey granite villa situated to the west of Queen's Cross roundabout and adjacent to Spademill Road. There is a modern conservatory attached to the toll house building. The building accommodates the Olive Tree / Black Olive restaurant and also a small newsagent / grocers (The Olive Branch). There is a car park at the rear of the property which has space for approximately 18 cars.

The building is C-listed and within Conservation Area 4 (Alybn Place / Rubislaw).

To the north of the site is a church, to the west beyond Spademill Lane is 40 Queen's Road which is in use as an office, to the east is 30 Queen's Road (an office) and 2½ storey traditional granite terrace of flats facing Forest Road. On the opposite side of Queens Road is 3 Forest Avenue (an office), 25-29 Queen's Road, a traditional granite villa which has been sub-divided into 3 flats and the 31 Queens Road (The Maryfield West Nursing Home).

The restaurant is currently open between 10am – 10pm and the shop between 7am – 4pm. There are no planning conditions restricting the hours the restaurant may open.

The hours between which alcohol may be sold are 11am – 12am Monday to Saturday and 12:30pm to 12am on Sunday.

HISTORY

November 1997 – Planning permission and listed building consent (97/1479) granted for alterations and extension to the building to form a shop and restaurant. The building had previously been occupied by a shop and separate offices.

January 2002 – Planning permission and listed building consent (A1/1351) granted for a conservatory on the front of the property.

August 2006 – Planning application (A6/0197) for a proposed kitchen extension to the rear of the premises was withdrawn prior to the application being determined by the Planning Committee. The application was to be recommended for refusal due to a lack of car parking.

September 2007 – Planning application (A7/1254) for change of use from shop to hot food takeaway withdrawn after applicants advised that the proposal was likely to be recommended for refusal as it would be contrary to the Council's guidance on hot food takeaways and detrimental to road safety and the amenity of the area.

PROPOSAL

It is proposed to change the use of part of the Olive Tree restaurant to a public bar. The layout plan shows that the toll house part of the building would become a bar lounge with seating areas and tables for approximately 50 customers. A circular bar would be installed which would serve the bar lounge and restaurant areas. The conservatory area, part of the main building and first floor dining area would remain as a restaurant. The two separate uses are indicated on the submitted plans in different colours.

Externally, a frameless glass entrance vestibule would be installed on the west facing elevation. An existing door opening would then become the new entrance. The existing door on the curve of the toll house would be replaced with a window to match those already in place.

This application requires to be determined by the Development Management (Sub-Committee) as it involves a licensed premises which is a Schedule 3 Development. The Community Council has also objected to the application.

CONSULTATIONS

ROADS SECTION – No observations.

ENVIRONMENTAL HEALTH – Given the limited area proposed for the lounge bar, consider that it would be unlikely that there would be an increase in noise as a result of the change. Disposal of refuse and empty drinks containers and deliveries should be restricted to certain hours.

COMMUNITY COUNCIL – Object to the application on the following grounds – there is already an excess of bars in the area, concerns with the potential for an increase in anti-social behaviour as a result of another bar, inadequate parking provision and increased level of traffic.

REPRESENTATIONS

One representation from a member of the public who lives opposite the Olive Tree has been received. The objector highlights anti-social behaviour, the close proximity of 3 schools and the existence of several other licensed premises in the area as being reasons to refuse the application.

PLANNING POLICY

Aberdeen Local Plan (2008)

Policy 70 (West End Office Policy Area) – Proposals for other commercial uses (other than class 4 offices) will be treated on their individual merits. Commercial uses which would be in conflict with the residential amenity of householders within and adjacent to the West End area will not be acceptable.

EVALUATION

The Town and Country Planning (Scotland) Act 1997 requires decisions on planning applications to be made in accordance with the development plan unless material considerations indicate otherwise.

Principle of Use

The Albyn Place and Queen's Road area is characterised by office and other commercial uses, which have been established over several years. The majority of buildings are in office use; however this is interspersed with a number of hotels, bars and members clubs. In recognition of this the area has been zoned as the West End Office Policy Area in successive local plans, which both encourages office development and allows other commercial uses, subject to satisfactory integration with residential properties in the area. Therefore in terms of principle of a public house use in the West End Office Policy Area is acceptable. Whether or not it is acceptable at this particular location requires to be assessed in terms of its impact upon residential amenity.

Amenity

Planning is concerned with the land use implications of the proposal, rather than the specific operation of the licensed premises. Whilst a degree of disturbance is to be expected from any licensed premises, it is considered that the conditions outlined below would reduce the potential for such disturbance to acceptable levels, given the nature of the surrounding area. Any anti-social behaviour which is attributed to customers of the premises is a matter for the police and licensing board to address.

Although it is acknowledged that there is likely to be activity at the premises later than may be the case at present, it is not accepted that the nature of this activity would be substantially different from the current situation.

There is a new glazed entrance on the west elevation, facing Spademill Lane and it is reasonable to assume that the majority of customers would use this entrance to access Queen's Road. Any customers using this door are unlikely to cause any additional disturbance

to residential properties due to the door being on the opposite side of the building from the closest residential properties, which are approximately 35m away on Forest Road.

There is a door on the east elevation which faces the properties on Forest Road some 15m away. This door is currently used by customers to access the car park and Queen's Road. It is likely that customers would leave the premises later than at present and therefore it is considered necessary to restrict the usage of this door to use as an emergency exit only during the evenings in order to protect residents on Forest Road from disturbance. It is anticipated however that the majority of customers would use the door on Spademill Lane to access and exit the premises.

The Council's Environmental Health service has no objection to the application, on the basis that a condition is attached which would restrict the hours between which refuse and bottles are disposed of outside of the building, again to protect neighbouring properties from disturbance. Comment is also provided that the limited area proposed for the bar/lounge is unlikely to lead to an increase in noise from customers leaving the property.

A condition has been attached which would prevent the entire premises from becoming a public house, a change which would require a further grant of planning permission.

Roads Safety / Traffic

The parking and access arrangements would remain as at present. Taking into account that there would not be any increase in floor space, it is unlikely that there would be a significant difference, if any, in the number of customers visiting the premises. One would expect there to potentially be a reduction in customers arriving by car to a public bar as opposed to a restaurant due to the increased likelihood of customers consuming alcohol. Therefore it is not considered that there is a requirement for additional parking or that there would be any safety hazard created. Council roads officers have offered no observations on the proposal.

External Works

The installation of a frameless glass vestibule and the replacement of a door with a window are relatively minor and acceptable in terms of their visual impact. The works would maintain the character of the conservation area.

Conclusion

The nature of the activity proposed would not be substantially different from the current use of the premises. Queen's Road has a mix of uses and a public house and restaurant is considered an acceptable use. Although customers may leave the premises later than is currently the case, by restricting their exit to the door on Spademill Lane, there would be a insignificant increase in disturbance to the nearest residential properties. The application would have no road safety or traffic implications.

RECOMMENDATION

Approve subject to conditions

with the following condition(s):

(1) that the bar/lounge use hereby approved shall be restricted to the area of the premises which is shaded green and indicated on drawing 091777-01. The remainder of the premises shall continue as a restaurant or other class 3 use unless the planning authority issues a further grant of planning permission permitting a change of use – in order to minimise potential disturbance from the premises.

(2) that the disposal and storage of refuse and empty drinks containers in any receptacles outwith the fabric of the building and all service deliveries and collections shall be restricted to between 0700-1900 Monday to Saturday and 1000-1600 on Sundays – in order to minimise disturbance to neighbouring properties.

(3) that between the hours of 1900-0700 the doors on the east elevation shall be used for no purpose other than that of an emergency exit unless a variation in writing is granted by the planning authority – in order to minimise disturbance to neighbouring properties.

Dr Margaret Bochel

Head of Planning and Infrastructure