



OLD ABERDEEN HERITAGE SOCIETY

11 Greenbrae Crescent
Denmore
Bridge of Don
Aberdeen
AB23 8LH

2nd Oct 2016

Planning Dept
Aberdeen City Council
Marischal College
Aberdeen

Dear Sirs,

44 King's Crescent, Old Aberdeen Conservation Area

Application (retrospective) for Change of Use to Gymnasium/ Martial Arts Centre - Ref 161194

The Society wishes to register its firm objection to the above application for part change of use.

We have particular concerns about this proposal, in terms of its impact on the character of the area, on residential amenity, and on parking and road safety issues.

The property in question was, until last year, occupied for many years, by a shop operating successfully from 9am-5pm, Monday to Friday.

The "proposed" use, which is in fact its current unauthorised use, is to a gymnasium, with the premises now being used as a Martial Arts Centre providing Combat Training Classes, called "The Granite Fight Factory".

The new use differs materially from the former one in several ways, but significantly in its hours of opening. The premises now operate 7 days a week, and at present open from mid or late afternoon to around 10pm from Monday to Friday, with Saturday opening roughly 10am to mid-afternoon, and Sunday opening from around 9.30am to mid-afternoon. Classes are held at various times.

Instead of the pattern of use associated with a shop, where visits are mostly by individuals, the pattern of use associated with a facility offering martial arts classes is, by its very nature, one where quite a number of clients may arrive (and leave) all at the same time. This, of course, puts pressure on parking and can also raise road safety issues.

The Society's concerns about this change of use are as follows:-

① Impact on the Character of the Area

Although this property is situated in a section of this road which is technically zoned as "Mixed Use", rather than "Residential", it should be noted that the property in question is entirely surrounded by residential properties, with a block of flats on either side, and cottages and terraced houses the full length of King's Crescent, opposite. It is in particularly close proximity to the flats at No.42, which form part of the same building, being located directly above No.44. It is quite clearly set in a residential area, and we would ask that this fact be given due weight in the consideration of the proposed change of use.

Even considered as located in a Mixed Use Area, however, Policy H2 of the Local Development Plan requires that applications for change of use “*must take into account the existing uses and character of the surrounding area, and avoid undue conflict with the adjacent land uses and amenity*”. Further they “*should not affect the amenity of people living and working in the area*”.

The change of use at No.44 King’s Crescent has the potential to represent **a significant material change in the character of the area**, by the introduction of this new use, and also a particular **impact on surrounding residential amenity**. Whereas the previous use involved only short, individual visits by customers, and no requirement for parking (other than the owner’s car), the new use, being predominantly geared to providing training classes, involves the simultaneous arrival of quite a number of people at one time, sometimes presenting problems with traffic or parking in an extremely congested and confined area. At the conclusion of a class, there can, sometimes, also be a tendency for groups to congregate outside on the pavement to socialise, or for people to take smoking breaks. This can sometimes be a source of disturbance, especially in the evenings, as indeed can the noise emanating from the premises during fight training, as the front doors are frequently left wide open to the street.

In all the above ways, we hold, due to the impact on amenity, the proposed change of use **fails to comply with Policy H2 of the LDP**.

It should also be noted that there is the potential for **intensification of use**, as the business grows, and further classes are added to the timetables. Such an intensification is already on the cards, as the website advertises the Combat Training Area for hire outwith normal opening times. All in all, the impact of this development could see a substantial increase over time.

Lastly, on the question of amenity, we note that other Martial Arts Training Centres tend to be situated in, or operate from, separate institutions such as Sports Clubs, Sports Centres or Complexes, Leisure Centres or even parts of school premises, or Community Centres. These are premises usually freestanding, not in close proximity to, or attached to, residential properties, and which have their own car parks or amenity areas within their own boundaries. Thus there is not the same potential for adverse impact on nearby homes. These are surely the appropriate locations for such a use, as opposed to No.44 King’s Crescent, which sits in the midst of family homes, and is actually part of a residential building. There is potential for a particularly negative impact on the residential amenity of the occupants of the flats above “The Granite Fight Factory”, in view of its close proximity to their homes.

In short, it is the Society’s considered view that the proposed use is not in keeping with the character of the area. As described in the Council’s Old Aberdeen Conservation Area Character Appraisal (p.13), “*King’s Crescent is noticeably quieter and greener....the feeling of being in a distinctive place is immediately apparent*”.

The proposed use is, we hold, in conflict with that quiet character, and so would not fulfil the statutory requirement to preserve or enhance the character of the Conservation Area. In that regard, it would not comply with **Policy D5** of the Local Development Plan.

It is also the Society’s view that the proposed use would be out of keeping with the wholly residential nature of its immediate surroundings, as described above, adversely affecting the amenity of those living nearby. It would thus fail to comply with **Policy H2** of the LDP.

② **Traffic and Parking Considerations**

By its very nature, this facility is open chiefly outside working hours, when its clients are free to attend classes.

The greatest activity, and accompanying traffic and parking, is therefore at teatime, evenings and weekends.

These are precisely the times when local residents will be coming home or at home, and need their accustomed parking area to be free. The lane adjacent to No.44 King's Crescent has for many years served as a very much needed parking area in a locality where there is serious pressure on parking provision. The arrival of a Martial Arts Centre has had a significant impact on the availability of parking at times when it is most needed. The situation has been complicated by the installation, by the owner of the property, of a gate across the entrance to the lane, which initially was kept closed and locked, in order to reserve the lane for the exclusive use of vehicles related to this property.

This lane, however, though an unadopted road, actually belongs to the City Council, who have, pending the removal of the gate, required that it be left open. Naturally, however, this is not of real benefit to local residents who have been accustomed to park there, because the very presence of a lockable gate, which has in the past been kept locked outside opening times of the Centre, is enough to dissuade residents from taking the risk of parking there, lest they be locked in.

Parking Provision for Proposed Use

Policy T2 of the Local Development Plan, along with the equivalent policy in the Proposed LDP, refers to the Council's Supplementary Guidance on Transport and Accessibility, which details the standards that different types of development should provide.

For a sports centre/facility, in the Assembly and Leisure Use Class, in Zone 2, where King's Crescent is located, the parking standards guidelines specify one parking space for 22 square metres. The application form for the proposed change of use states that the site area is 60 square metres, and it surely follows, therefore, that these premises should provide 3 parking spaces. In the current application, we would expect there to be a need also for at least one space for a vehicle belonging to the staff running the facility.

The current application for permission for change of use, however, provides no parking spaces at all. In spite of this, the application form states that 4 parking spaces currently exist on the application site. They do not. As the adjacent lane is not in the ownership of the applicant, but is, rather, a public lane, this can not be included as part of the site, and therefore must be discounted.

A fundamental issue in any application for change of use is **its capacity to accommodate parking** for the vehicles generated by that use.

Because of the retrospective nature of the current application, there has been ample opportunity for residents of the surrounding area to observe the increase in traffic which has accompanied this change of use, and the pressures which this has brought to bear on parking in the area. This was particularly evident in the first few months of operation of the new Martial Arts Centre, when the gate was only opened as required for clients of the Centre, but the lane was nevertheless sometimes completely full with parked cars. It was not uncommon for further cars to be parked such that they projected on to the area connecting the two pavements, so that pedestrians were forced to walk out into the main road to get past.

All the above would seem to serve as an indication that the new use of No.44 King's Crescent has brought with it a considerable increase in traffic, and vehicles requiring space for parking. Even in recent months, since the application for change of use, when use of the lane for parking has clearly for the moment been discouraged, and so the impact is less easily seen, there are still periods when, at times of certain classes, there is full uptake of every available space.

This is hardly surprising, as with the new, or proposed, use, which is in the "Assembly and Leisure" Use Class, the nature of the use means that clients will need to bring cars. To fit in a class on the way home from work, may well involve travelling some distance from a workplace, with limited time, and to attend a class in the evening might well be impracticable without a car. In the case of children's classes, most parents would seem to think a car is necessary.

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There is a well documented pressure on parking in this area already, as is evidenced by the number of cars parked on pavements along Jute Street, and not infrequently on double yellow lines in the area, and it would seem ill-advised to introduce a new use which will exacerbate that pressure.

The proposed change of use demonstrates a particular propensity for worsening the parking problems in the vicinity. This is because it opens for classes principally towards teatime, in the evenings, and at weekends.

This, however, is precisely the period when on-street (or lane) parking is required by nearby residents. The requirements therefore conflict with those of local residents when home from work. This is disruptive to the parking needs of the established community, both of nearby local residents and also their visitors, who already struggle to find a place to park.

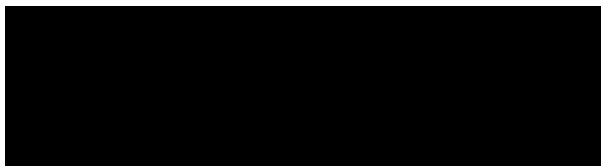
Traffic issues are also relevant here. Prior to the unauthorised change of use at no. 44, the lane was used by local residents for parking near their homes, and there was far less coming and going. The present arrangement means that clients of the gymnasium are arriving and leaving on a fairly frequent basis, and because there is no room for turning, this can mean reversing out on to what is a narrow, busy, winding road, at a bend on that road, and opposite a junction. When the lane is full of cars, this can be precarious, especially at peak times. The less congested former use of the lane, by residents, in contrast, left more space for manoeuvre, and it was also helpful that there was more familiarity with the area and its traffic patterns, as well as, perhaps, more flexibility as to the timing of car use.

As noted earlier, the potential for intensification of use at the proposed Martial Arts Centre must be borne in mind. Any intensification of parking and/or traffic issues could have a significantly detrimental impact on the amenity of this area.

In summary, it is the Society's view that the proposed use, as well as failing to comply with **Policies D5 and H2** of the Local Development Plan, also fails to comply with Policy T2, and raises serious concerns over other material considerations relating to parking, traffic and road safety.

The Society therefore would request that this application for change of use is refused.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Barbara McPetrie,
Planning Secretary