

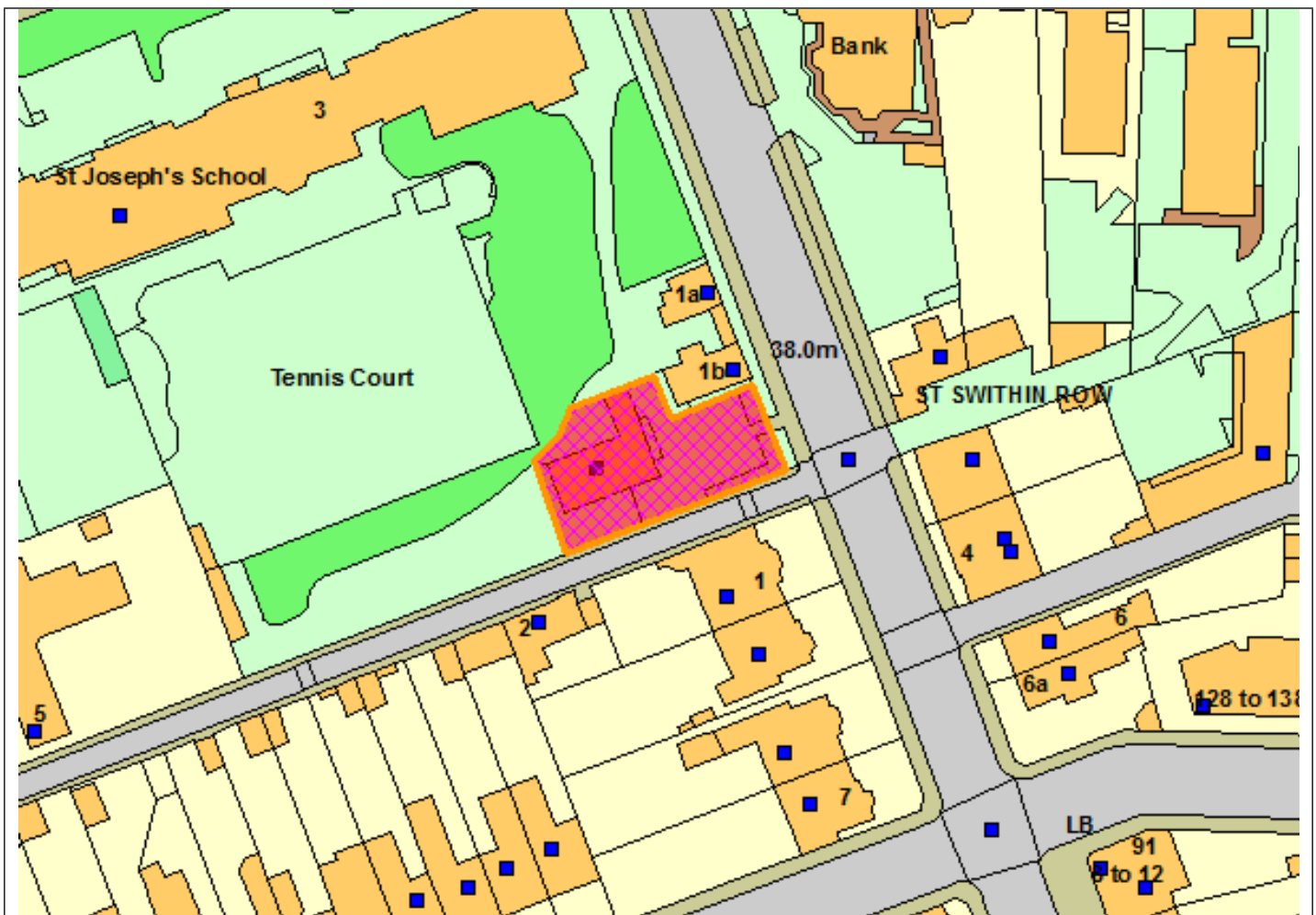


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 1 November 2018

Site Address:	1 Queen's Lane South, Aberdeen, AB10 6XW,
Application Description:	Change of use of first floor from Class 4 (Business) to Class 11 (Assembly and Leisure)
Application Ref:	181469/DPP
Application Type	Detailed Planning Permission
Application Date:	16 August 2018
Applicant:	Fit&Skin Studio Limited
Ward:	Hazlehead/Ashley/Queens Cross
Community Council	Queen's Cross And Harlaw
Case Officer:	Dineke Brasier



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

A two storey granite building with a slated pitched roof, and car park (7 spaces) located on the north side of the junction of Queen's Lane South and St Swithin Street. The building has a rectangular plan with a narrow flat roof projection to the north/ side. It has a distinctive east (St Swithin Street) facing round window on the first floor, with otherwise sash and case timber windows. Vehicular access is off Queen's Lane South and the private car park is shared between the occupants of the ground and first floor. Between the building and St Swithin St (roughly NE) are buildings associated to St Joseph's School/ Church, which occupies the area to the north.

The site is within the Albyn Place/ Rubislaw Conservation Area and West End Office Area as identified in the 2017 Aberdeen Local Development Plan.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Change of use of the first floor from offices to a private health studio (class 11). The facility would be appointment only, and accommodate no more than 6 clients at any time slot.

There are no external alterations proposed.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PDJKSRBZGMA00> .

Reason for Referral to Committee

The application has attracted seven objections, and is recommended for approval. It therefore falls outside the scheme of delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Advise that the location is within a controlled parking zone, thus managing against indiscriminate parking; and that cycle parking should be provided.

ACC - Environmental Health – No objections, subject to the following conditions:

- Limit the use of the building to that of a private health studio only; and
- Limit the use of amplified and non-amplified music other than that used as background music.

REPRESENTATIONS

Seven objections have been received, summarised as follows:

1. Proposal would cause disruption and change character of area;
2. Proposal would cause further traffic problems on top of those existing in relation to St Josephs School;
3. Poor visibility from Queen's Lane South onto St Swithin Street;
4. Insufficient parking available;
5. Proposal would cause inconvenience and disruption to the ground floor occupants; and
6. Impact on amenity due to noise.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

Aberdeen Local Development Plan (2017)

- B3: West End Office Area
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise
- D1: Quality Placemaking by Design
- D4: Historic Environment

Supplementary Guidance and Technical Advice Notes

- Supplementary Guidance on Transport and Accessibility

EVALUATION

Principle of Development

The site is located within the West End Office Area, and policy B3 (West End Office Area) applies. B3 mainly centres on changes of use to offices or protection of residential amenity. However, it does not include a clause in relation to the protection of office accommodation in these areas. As such, subject to no unacceptable impact on residential amenity and compliance with all other relevant policies, the principle of the proposed change of use to a private health studio would be acceptable.

Impact on character and appearance of the surrounding area

Being within a Conservation Area, only development that preserves or enhances the historic environment will be accepted. In this case, the proposal would not include any external alterations to the building. As such, it would have a neutral impact on the character and appearance of the surrounding area, thus complying with policy D4.

Impact on amenity

The nearest residential properties are to the south, across Queen's Lane South, and on the corner of Queen's Lane South and St Swithin Street at a distance of 12m. The main potential impact on residential amenity would be in relation to noise resulting from the proposed use. In this regard Environmental Health (EH) colleagues recommended the use of a condition setting out that no amplified or non-amplified music, other than for the use of background music, would be acceptable, and that this music should be inaudible at the façade of the nearest residential properties. Based on this advice, it is considered that the proposal would not have an adverse impact on the residential amenity of neighbouring properties – subject to compliance with a suitably worded condition.

The ground floor of the premises is occupied as offices. Objections have been raised by the occupant, based on potential disruption and inconvenience due to a significant increase in noise. In this regard the applicant confirms that activities would not involve group lessons or noise associated to the dropping of weights, etc. Furthermore, the proposed use would be of a limited scale, with no more than 6 clients attending a time slot. As such, it is considered that the proposal would not likely result in a significant detrimental impact on the amenity of the office business on the ground floor, to warrant the refusal of planning permission. Balancing the advice of EH and the business model proposed, it is not considered that a formal Noise Assessment is required, thus there is no conflict with policy T5.

Parking and access

The site is located within the 'Outer City Zone', and a maximum parking standard of 1 space per 22m² gross floor area (gfa) is permissible. The first floor gfa is c.135m², equating to a maximum of 6 spaces. The on-site car park sees seven shared spaces. The first floor would have sole use of four spaces, two below the maximum permissible. However, the location is reasonably sustainable, within 125m of Queen's Road - a major public transport route between the city centre and the west, with bus stops within 200m. Furthermore, the surrounding streets are within a controlled parking zone, thus managing parking behaviours. Two Sheffield cycle stands will also be installed, providing short stay parking for four bikes.

Matters raised in letters of objection included: poor visibility at the junction of Queen's Lane South with St Swithin Street; and the potential impact an increase in traffic would have on pedestrian safety, especially in relation to children walking to the nearby St Joseph's School. Colleagues in Roads Development Management have considered the application in relation to road safety and consider that any potential increase in traffic would be negligible and not have a significant impact on the use of this junction or pedestrian safety.

As such, taking consideration of the above, the proposal is considered not to have an unacceptable impact on local highway conditions, so as to comply with policies T2 and T3.

Matters raised in letters of objection:

All issues raised are discussed above and are not considered to warrant refusal of the application.

Time Period for Determination

The application was validated on 16th August, and the Scottish Government target two month determination date is 15th October. Due to the application needing to be determined at Planning Development Management Committee, an extension to the determination date has been agreed to 5th November 2018.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Subject to conditions, the proposed change of use is not considered to have an unacceptable detrimental impact on the amenity of nearby neighbouring properties, or the office business on the ground floor of the building. It would not have an unacceptable impact on the character and appearance of the surrounding area, especially in relation to its position within the Albyn Place/ Rubislaw Conservation Area, nor on local highway conditions. The proposal complies with policies B3 (West End Office Area), T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), T5 (Noise), D1 (Quality Placemaking by Design), and D4 (Historic

Environment) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Transport and Accessibility.

CONDITIONS

1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the premises shall not be used for any of the following purposes within Use Class 11, without an express grant of planning permission from the Planning Authority:

- Cinema;
- Concert Hall;
- Bingo Hall;
- Casino; or
- Dance Hall or Night Club

Reason: The uses noted above pose the risk of causing additional and unacceptable harm to residential amenity than other uses in Class 11, thus an express grant of planning permission for those uses would allow the Planning Authority to consider the implications of any subsequent change of use on the amenity of the area.

2. That no amplified or non-amplified music shall be used within the fabric of the main building other than that used as background music, which must be inaudible at the façade of the nearest residential properties.

Reason: To preserve the existing residential amenity of surrounding properties.

3. That prior to the use hereby approved commencing, the cycle stands as shown on approved drawing Ref: 1392/P/000/XX/004/A shall have been provided and made available for use.

Reason: To promote sustainable transport methods.
