

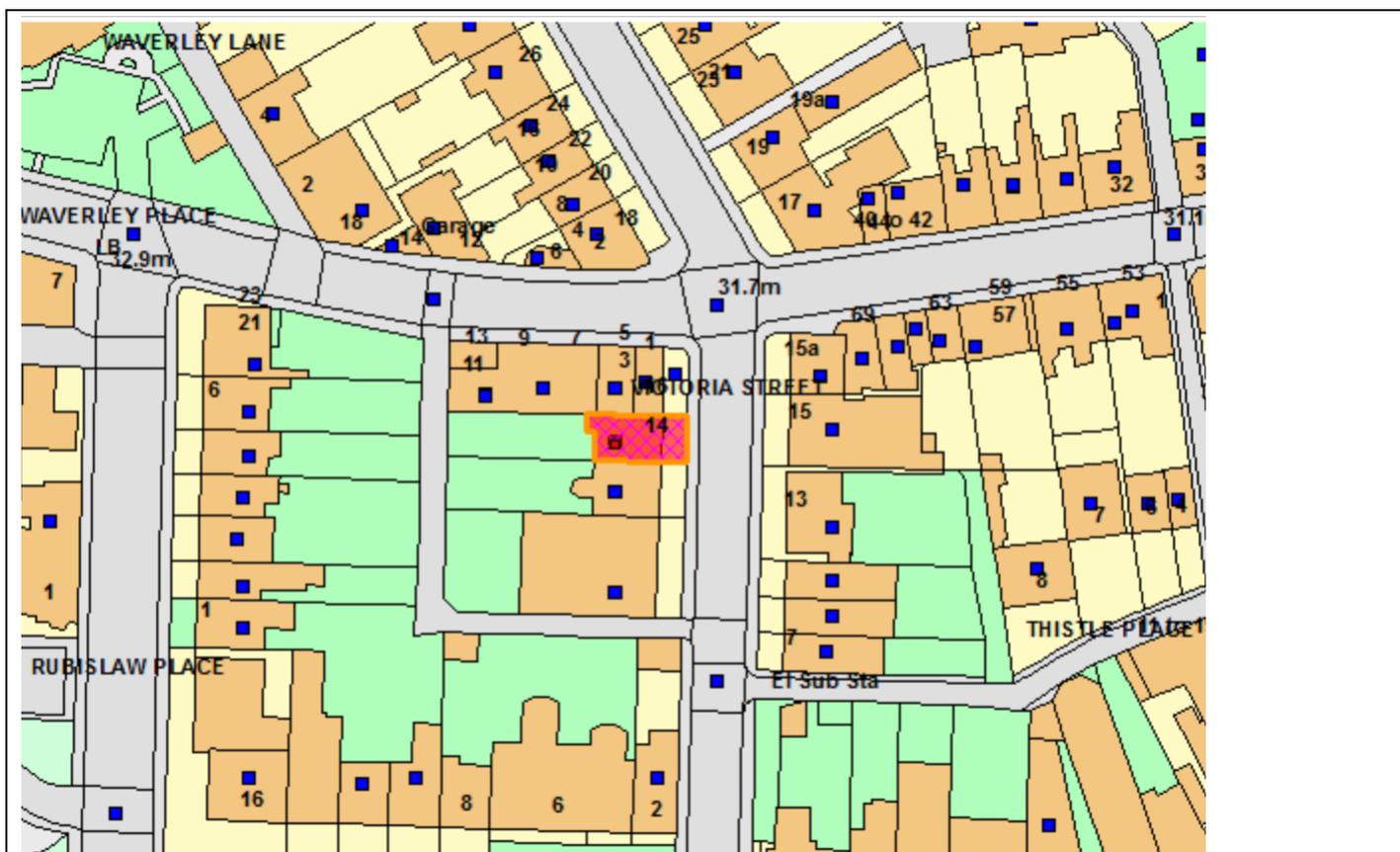


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 3 November 2022

Site Address:	14 Victoria Street, City Centre, Aberdeen, AB10 1XB
Application Description:	Change of use from class 2 (occupational health clinic) to class 11 (children's role play cafe) including installation of access ramp
Application Ref:	220613/DPP
Application Type	Detailed Planning Permission
Application Date:	16 May 2022
Applicant:	Robert Whitelaw (Aberdeen) Ltd
Ward:	Mid Stocket/Rosemount
Community Council:	Queen's Cross and Harlaw
Case Officer:	Dineke Brasier



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a one and a half storey mid-terraced property with basement accommodation. The property is of a traditional design, constructed of granite with a slated roof and a single pitched dormer to the front and rear. There is a driveway to the front with space for the parking of a single car. The car park to the rear is not within control of the applicant and falls outwith the application site. The premises are currently vacant but were most recently in use as an occupational health clinic.

The site is located within the Albyn Place/Rubislaw Conservation Area and is within the West End Office area. The surrounding area is characterised by buildings of a similar age and general design, some of which have been extended, containing a mix of uses, including residential, offices and healthcare facilities.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

A change of use is sought from class 2 (occupational health clinic) to class 11 (children's role play café) and the installation of a ramp leading up to the front door.

The proposed floorplans indicate that the front of the ground floor would be split into 6 different 'themed play areas' that would be equipped to facilitate a variety of role plays, such as a play kitchen, shop or a vets. These play areas would be supplemented by a small café in the centre of the ground floor with a kitchen and toilets. Each play area would comprise approximately 2.6m² floorspace. The first floor would be a larger multi-purpose room and would be used for parties to be booked in conjunction with the play areas. The basement would provide a storage area and staff room. The role play café would have an overall operating capacity of no more than 20 children (up to a maximum of 7 years old) at one time and children will need to be accompanied by an adult. Adults would use the central café area whilst children would use the adjacent play areas. The facility would operate three or four 90-minute sessions daily with a 30-minute turnaround time in-between sessions. Anticipated opening hours would be from 9.30-17.30.

The only external alteration to the building would be the construction of a ramp to the front. This ramp would run from the edge of the pavement of Victoria Street to a landing at the front of the building for a length of c.3.3m, would then turn a 90° corner and continue for a further length of c.4.2m to a landing at the front door. The ramp would be formed of natural paving slabs, and would have dark brown painted galvanised mild steel handrail and uprights. Soft landscaping would be introduced between the street and the front elevation of the building.

Amendments

In agreement with the applicant, the following amendments were made to the application:

Application description altered from Change of Use from Class 4 Office to Class 10 children's role play café) to Change of use from Class 2 (occupational health clinic) to Class 11 (children's role play cafe). This resulted in renotification of neighbours.

Introduction of additional landscaping to the front of the building;

Waste storage to rear.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RB YRHTBZFTF00>

- Noise Impact Assessment by SK/AD Acoustics, dated 21st September 2022;
- Parking Statement by THE, dated 20th July 2022; and
- Planning Statement by THE, dated 12th May 2022.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than six timeous letters of objection have been received.

CONSULTATIONS

ACC - Environmental Health – No objections. The Noise Impact Assessment by SK/AD Acoustics associated with the proposed development has been reviewed and considered sufficient. In relation to noise, this Service accepts the report and the proposed development provided the critical noise mitigation measures achieving at least an equivalent effect of those measures detailed within Section 7 of the assessment area applied. These must include:

- A. The lath and plaster party walls within the proposed development between adjoining properties number 12 Victoria Street to the south and 1 and 5 Waverley Place to the north should be removed entirely and replaced with self-standing timber stud construction, fully independent and free from any connections with granite as described in Table 12 (Noise source side); and
- B. The installation of the works should also adhere to the specific requirements detailed within sections 7.1.1.6 to 7.1.1.10 and appendix C.

ACC - Roads Development Management Team – The site is located in the inner city boundary but Victoria Street is the boundary between the city centre/inner city zones. The site is located in controlled parking zone C. The site is well served in terms of direct access onto the existing adopted footpath network on Victoria Street, which provides connectivity to the wider area and city centre to the east and south of the site, which in turn provides connection to the nearest public transport services of which there is multiple, all located within c.200m of the site. The site is thus well served in terms of sustainable transport.

It is noted that the site has two existing parking spaces, which shall be removed as part of the proposal to provide an access ramp. The site will therefore have no directly associated parking provision. While the site is considered to be well served in terms of public transport and walking, given the proposed volumes within classes/sessions and to be accompanied by an adult as advised within the 'Planning Statement', it is considered unrealistic that all would travel by such methods and therefore shall incur associated parking demand. There is only a short section of existing on-street Pay & Display on Victoria Street and then further provision upon surrounding street. However, such provision is already extensively occupied and therefore the anticipated visitors to the proposed use would exacerbate the problem and would be unlikely to find available space to park which could lead to unsafe dropping off/picking up in the area. Additionally, with no associated parking area, this does not provide scope to provide suitable disabled/accessible parking provision which would also be sought for use of this nature.

Roads Development Management has reservations in regard to this proposal given no associated

parking provision as per the comments above.

ACC - Waste and Recycling – General comments in relation to waste collection associated to commercial premises

Queen's Cross and Harlaw Community Council – None received

REPRESENTATIONS

A total of seven timeous letters of objection have been received in relation to the application, with a further neutral letter raising serious concerns to the application. In addition, one of the original respondents raised additional comments following a second round of neighbour notifications due to a change in description. These letters raised the following matters:

1. Impact on residential amenity due to noise coming from children playing;
2. Impact of noise from children playing on existing tranquil ambience in neighbouring healthcare premises. This could result in distraction to consultants carrying out procedures and increase stress for clients;
3. Impact of noise on office environment;
4. Due to the proposed system of 90-minute play sessions, the proposed children's role play café would generate a constant parking requirement, generating more traffic, more often and over a longer period of time compared to its existing use as class 4 (offices). This will have an adverse impact on existing parking provision on Victoria Street, which is already very congested. No proposed cycle or car parking is proposed. The proposal could thus result in safety and traffic issues in an already busy part of the city;
5. Previous construction works by the applicant took place during unsociable hours;
6. Objection to the appearance of the access ramp to the front of the property. If it is essential that this is to the front, then some form of landscaping scheme should be included to allow the ramp to be less prominent;
7. Proposal for a change of use to use class 11 would open door for premises to be used for other uses falling within that use class in addition to a children's role play café.

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.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- D1: Quality Placemaking by Design
- D4: Historic Environment
- B3: West End Office Area
- NC1: City Centre Development – Regional Centre
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise
- R6: Waste Management Requirements for New Development

Supplementary Guidance and Technical Advice Notes

- Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council’s settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The following policies are relevant –

- D1: Quality Placemaking
- D2: Amenity
- D6: Historic Environment
- VC1: Vibrant City
- VC6: West End Area
- T3: Parking
- T2: Sustainable Transport
- WB3: Noise

EVALUATION

Principle of Development

The site is located within the West End Office area. Policies NC1 (City Centre Development – Regional Centre) and B3 (West End Office Area) of the 2017 Aberdeen Local Development Plan apply. Policy NC1 sets out that development within the city centre must contribute towards the

delivery of the vision for the city centre as a major regional centre, and that it is the preferred location for retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development. Given that the proposal is for a role play café, as a commercial leisure use that would assist in attracting additional visitors to the area, it is considered that the proposal complies with the general intention of this policy.

Policy B3 (West End Office Area) sets out criteria in relation to either a change of use to or expansion of existing office buildings, or for a change of use to a residential development. This current proposal is for a change of use from an occupational health use (class 2) to a children's role play café (class 11) and thus would not fall within either category. As such, this policy does not apply to the current proposal.

Impact on Conservation Area

The site is located within the Albyn Place/Rubislaw Conservation Area. Policy D4 sets out that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy and SHEP (now Historic Environment Policy for Scotland - HEPS) and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plans. High quality design that respects the character, appearance and setting of the historic environment will be supported. Scottish Planning Policy sets out in paragraph 143 that proposals that do not harm the character or appearance of a conservation area should be treated as preserving its character or appearance. HEPS sets out in HEP3 that plans should be approached in a way that protects and promotes the historic environment, and that any detrimental impact on the historic environment should be minimised.

Proposed external alterations to the building consist of the construction of a ramp providing disabled access to the front entrance of the building. The ramp would run from the edge of the pavement along the southern site boundary for a length of c.3.3m before reaching a landing, would then make a 90° turn before running for a further length of c.4.2m along the front elevation to reach a further landing in front of the main entrance into the building. The ramp would have a dark brown painted mild steel handrails and uprights and would be constructed of paving. Amended drawings have included a landscaping scheme to the front of the building to soften the overall impact of this structure. This scheme would include the planting of shrubs to soften the overall impact of the ramp on the character and appearance of the wider conservation area. This proposed landscaping scheme would be considered to have a positive impact as this area is currently completely hard surfaced due to its previous use as parking spaces. Details of proposed landscaping and ramp materials can be secured through a suitably worded condition. Given its essential nature to provide disabled, level access to the building and the proposed landscaping plan the installation of the ramp is accepted and considered to have a neutral impact on the character and appearance of the conservation area in line with policy D4 and relevant parts of SPP and HEPS.

Impact on amenity

Several letters of objection raised concerns in relation to potential noise generation arising from the proposed use of the building as a role play café and the proposed number of customers in the building at any one time (up to 20 children and accompanying adults). Immediately neighbouring uses include a residential upper floor flat, a dental clinic and an eye care clinic. A Noise Impact Assessment was submitted by the applicant, which was assessed by the Environmental Health Service. This document sets out that there is the potential for some noise to transfer between the various properties. However, recommendations are included that would mitigate any noise transfer to be within acceptable levels. These recommendations, which include improvements to noise insulation of party walls, are accepted by Environmental Health. It is therefore considered that, subject to a suitably worded condition ensuring implementation of the proposed mitigation measures, the proposal would not result in an unacceptable level of noise pollution to neighbouring uses.

It is acknowledged that under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) Class 11 (Assembly and Leisure) features a wide variety of uses, including the proposed role play café, but also cinemas, concert halls, bingo halls, casinos and nightclubs. It is considered that, in comparison to the use proposed, these additional uses could result in much greater noise disturbance in this relatively quiet part of the city. As such, a suitably worded condition restricting the use of the building to that currently proposed only is recommended to ensure that the additional impact on amenity of any alternative uses falling within the same use class are suitably assessed.

Access and Parking

The building currently has a driveway to the front which has sufficient space to park two cars. Following the proposed construction of the access ramp, these spaces will be removed due to insufficient depth of the remainder of the area to the front, and the remainder of the driveway proposed to be landscaped. The proposal will thus result in the loss of two parking spaces and no on-site spaces will be provided.

The site is located in a sustainable location on the edge of the city centre, and is easily accessible by walking and cycling. Various bus routes run in close proximity with the nearest stops on Rubislaw Place immediately to the west and Alford Place to the south serving multiple routes.

Sessions are intended to be 90 minutes, with a maximum number of 20 children accompanied by an adult, not necessarily on a one-to-one ratio. It is expected that there would be 3 to 4 sessions a day. Compared to the previous office use, it is expected that the proposed use would result in an increase in traffic movement and increased demand for parking in the immediate vicinity. Parking on Victoria Street is on-street pay and display, which is very well used. The nearest long-stay public car park is the multi-storey on Huntly Street, which is c.400m from the application site.

Comments from Roads Development Management set out that the proposal could result in unsafe dropping off/picking up in the area given the pressure on existing on-street parking spaces and the associated potential that no legal on-street parking spaces are available in this stretch of Victoria Street for visitors, which could result in indiscriminate parking. However, given the proposed use would include both parents and children staying at the premises for a considerable amount of time, it is considered likely that parents would find a suitable parking space first before leaving the car and walking to the premises. As such, given the longer duration of visits, it is likely that parents would be willing to walk a bit further and park in surrounding streets to ensure a safe parking space. It is acknowledged that no disabled parking would be provided on-site. However, various blue badge disabled parking spaces would be available within 400m of the premises.

A further consideration is that in policy T3 (Parking) of the 2020 Proposed Local Development Plan, the emphasis in relation to on-site parking shifts somewhat in that the principle of 'zero parking' shall be applied with respect to all new development in the city centre. Limited vehicle parking will only be permitted when demonstrated as necessary for the servicing/ operation of businesses and buildings, and for customer drop off/pick up arrangements. In this case, due to the small size of the business, no issues are expected in relation to servicing/deliveries to the premises. In addition, as set out above, due to the nature of the proposed business where children will need to be accompanied by an adult, it is considered that the number of drop off/ pick ups will be extremely limited to the extent that they are unlikely to have an impact on the existing parking situation on Victoria Street.

As such, due to the relatively small scale of the proposed development; the sustainable location of the building; the proximity to a range of public bus routes; the need for parents to accompany their children during visits – thus minimising drop offs and pick-ups; and the location of existing blue badge disabled parking spaces in relative close proximity to the building, it is considered that, despite the objection raised by Roads Development Management, the proposal would not result in

an unacceptable detrimental impact on parking in the surrounding area and would generally be in compliance with policies T2 (Managing the Transport Impact of Development) of the 2017 ALDP and T3 (Parking) of the 2020 PLDP.

Waste

Sufficient space for storage of waste bins is located to the rear of the building, with a storage area accessed through the rear door. Bins can be taken out to the lane to the rear, which can be serviced by refuse vehicles.

Matters Raised in Letters of Representation

Material matters in relation to noise generation; parking and access; and the impact of the proposed ramp on the character and appearance of the conservation area are assessed in the above evaluation. Similarly, as set out above, it is recommended that the use of the building would be limited to that proposed as part of the current application only to ensure the impact of any alternative uses falling within the same use class are suitably assessed.

Issues in relation to previous construction works taking place during unsociable hours are not a planning matter.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

Policy D2 (Amenity) is concerned in ensuring a good quality level of amenity is achieved for both existing future uses. As discussed above, and following evaluation of the Noise Impact Assessment, it is considered that this policy will be suitably met.

Policy T3 (Parking) further emphasises the potential for car-free development within the city centre. This is discussed in the evaluation above.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed children's role play café would provide an additional visitor attraction to the city centre. Subject to implementation of the recommendations as set out in the submitted Noise Impact Assessment by SK/AD Acoustics (Report No: SKAD-22-03091) the proposal would not result in unacceptable noise pollution to neighbouring properties. Given the sustainable location of the premises; the proposed use and the relatively small scale of the business, the absence of parking is considered acceptable in this instance. Subject to a condition on the implementation of a landscaping scheme to the front of the building, the proposed ramp would not have a detrimental impact on the character and appearance of the Albyn Place/ Rubislaw Conservation Area.

The proposal is thus considered to be in compliance with policies D1 (Quality Placemaking by Design); D4 (Historic Environment); B3 (West End Office Area); NC1 (City Centre Development – Regional Centre); T2 (Managing the Transport Impact of Development); T3 (Sustainable and Active Travel); T5 (Noise); and R6 (Waste Management Requirements for New Development) of the 2017 Aberdeen Local Development Plan; policies D1 (Quality Placemaking); D2 (Amenity); D6 (Historic Environment); VC1 (Vibrant City); VC6 (West End Areas); T2 (Sustainable Transport); T3 (Parking); WB3 (Noise) and R5 (Waste Management Requirements for New Development) of the

2020 Proposed Local Development Plan and relevant sections of Scottish Planning Policy and Historic Environment Policy for Scotland.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) USE CLASS RESTRICTION

That notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the premises shall only be used for that applied for in this application as a children's role play café. For the avoidance of doubt, express grant of planning permission from the Planning Authority shall be required for any other uses falling within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

Reason: To ensure that a good level of amenity can be maintained, and that any additional impacts arising from other uses falling within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) can be suitably assessed.

(03) NOISE MITIGATION MEASURES

That the use hereby approved is not implemented until the critical noise mitigation measures as set out in section 7 of the Noise Impact Assessment by SK/AD Acoustics (Report No: SKAD-22-03091) are applied. These must include:

1. The plaster with laths of party walls within the proposed development between adjoining properties number 12 Victoria Street to the south and numbers 1 and 5 Waverley Place to the north should be removed entirely and replaced with a self-standing timber stud construction, fully independent and free from any connections with granite as described in table 12 (noise source side); and
2. The installation of the works should adhere to the specific requirements detailed within sections 7.1.1.6 to 7.1.1.10 and appendix C.

Reason – In the interest of residential amenity and to minimise any potential noise pollution arising from the hereby approved use.

(04) LANDSCAPING SCHEME

That the use hereby approved is not implemented until a detailed landscaping scheme for the area to the front of the building has been submitted in writing and approved by the Planning Authority. This shall include the finishing materials of the ramp and planting details. The agreed landscaping scheme shall subsequently be implemented in the first growing season following the implementation of the use hereby approved.

Reason – In the interests of the visual amenity of the conservation area.

ADVISORY NOTES FOR APPLICANT

None