

Public Document Pack



To: Councillor Boulton (Chairperson), Councillor Donnelly, the Depute Provost and Macdonald.

Town House,
ABERDEEN 20 November 2018

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Committee Room 2 - Town House** on **THURSDAY, 29 NOVEMBER 2018 at 12.30 pm.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

1.1 Procedure Notice (Pages 3 - 4)

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

MEMBERS PLEASE NOTE THAT THE FOLLOWING LINK WILL TAKE YOU TO THE LOCAL DEVELOPMENT PLAN.

[Local Development Plan](#)

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

PLANNING ADVISER - MATTHEW EASTON

2.1 Former Public Convenience Adjacent to Dyce Church Hall, Victoria Street - Erection of Cafe with Hot Food Take Away and Flat Above Including Car Parking and Associated Works - 180522

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 5 - 62)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link by entering the application reference number:-

(180522)

<https://publicaccess.aberdeency.gov.uk/online-applications/search.do?action=simple&searchType=Application>

2.3 Planning Policies Referred to in Documents Submitted (Pages 63 - 64)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 65 - 82)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link by entering the application reference number:-

(180522)

<https://publicaccess.aberdeency.gov.uk/online-applications/search.do?action=simple&searchType=Application>

2.5 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: www.aberdeency.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeency.gov.uk / tel 01224 522989 or

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL


1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;
 - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	Former Public Convenience, adjacent to Dyce Church Hall, Victoria Street, Dyce, Aberdeen
Application Description:	Erection of cafe with hot food take away and flat above including car parking and associated works
Application Ref:	180522/DPP
Application Type:	Detailed Planning Permission
Application Date:	20 April 2018
Applicant:	Fleet Properties
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stoneywood
Case Officer:	Ross McMahon

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

Located on the west side of Victoria Street, between its junctions with Gladstone Place and Don Place, the now vacant site was formerly occupied by a single-storey public convenience building of modest footprint, set within an area of associated soft/ hard landscaping and an area of car parking to the rear (west). The site is bound to the south by Dyce Parish Church, to the north by an area of car parking and to the east by Victoria Street, with residential property beyond. To the west lies a large expanse of urban green space, beyond which lies the eastern boundary of Aberdeen International Airport (AIA). Otherwise, the underlying and wider land use designation is as a 'Residential Area' as identified by the Aberdeen Local Development Plan (ALDP) 2017 proposals map.

Relevant Planning History

Ref.	Description.	Decision.	Date.
161789/DPP	Erection of shop unit with flat above	Refused	20.03.14

Summary of reasons for refusal for **161789/DPP** –

- Inability to create an appropriate level of residential amenity for the proposed flat, due to the proximity to AIA, and the need to safeguard its future operation.
- Overdevelopment of the site by virtue of the inability to provide an adequate degree of outdoor residential amenity space (proposed flat) in addition to a suitable level of on-site parking (serving flat and shop unit).

APPLICATION DESCRIPTION

Description of Proposal

Erection of a ground floor unit (café, restaurant and/ or hot food takeaway) with a one-bedroomed residential flat above with external balcony, in addition to the formation of a new vehicular access, associated parking and hard/ soft landscaping.

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=P6LT64BZKE800>

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Notes that the site is situated within the Dyce Area of Aberdeen which is defined as in the 'Outer City', in a location in which no controlled parking is in operation. The site is served by direct access from a network of public footpaths connected to the wider residential and business areas of Dyce. No direct links to designated cycle lanes/ paths, however, National Cycle Route 1 is within 350m of the site. Victoria Street is served by regular bus services with direct links to the city centre; Dyce Railway Station is located within 350m of the site. Notes a shortfall of 2 on-site parking spaces, however, this is considered acceptable. The parking layout and arrangement is accepted. Disabled parking and cycle parking provision is considered acceptable. The development will require to be subject to the Roads Construction Consent procedure.

ACC - Environmental Health – No objection. Notes the potential for an adverse impact on occupants of the proposed flat from aircraft noise (AIA). Notes that the ground floor use (café/ restaurant/ hot food takeaway) has the potential to impact on both surrounding residential properties and occupants of the proposed flat from noise associated with a proposed outdoor seating area and/ or the requirement for Local Extract Ventilation (LEV) equipment. A noise impact assessment (NIA) should be carried out to quantify the impacts and identify necessary mitigation. Notes the requirement for the applicant to submit an assessment of odour control for the proposed café/ restaurant/ hot food takeaway.

ACC - Flooding and Coastal Protection – No objection. Recommends the use of permeable materials and rainwater harvesting where suitable in the design.

ACC - Waste Strategy Team – No objection. Notes that the new flat would be provided with: 1 x 240 litre wheeled bin for general waste; 1 x 240 litre wheeled bin for mixed recycling and a bin for food and garden waste. Note that only a general response can be provided for the proposed commercial development given that ACC is one of many waste contractors available. General guidance offered.

Aberdeen International Airport – No objection. The proposal development would not conflict with the safeguarding criteria.

Dyce and Stoneywood Community Council – Supports the application. The proposal represents an appropriate redevelopment of an 'eyesore' derelict site and enhanced amenity for

the locale through the provision of informal dining facilities. Notes significant public support for this facility. Hopes that planning issues associated with refused application ref. 161789 can be overcome/ mitigated.

REPRESENTATIONS

9 letters of representation have been received (3 letters of objection and 6 letters of support). The matters raised can be summarised as follows:

- Very busy and congested section of Victoria Street, exacerbated by the proposed development;
- Difficult entry/ exist from Gladstone Place is a road safety issue (vehicles and pedestrians);
- Not a need for this facility in Dyce which is already well served by such uses;
- Much needed asset for the Dyce community.

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 2014
- Planning Advice Note (PAN) 1/2011: Planning and Noise

Aberdeen Local Development Plan 2017 (ALDP)

- H1 – Residential Areas
- D1 – Quality Placemaking by Design
- D2 – Landscape
- T2 – Managing the Transport Impact of Development
- T3 – Sustainable and Active Travel
- T5 – Noise
- B4 – Aberdeen Airport
- R6 – Waste Management Requirements for New Development
- R7 – Low and Zero Carbon Buildings and Water Efficiency

Supplementary Guidance and Technical Advice Notes

- Landscape SG
- Transport and Accessibility SG
- Noise SG
- Resources for New Development SG
- Planning and Aberdeen Airport TAN

Other Material Considerations

- Road safety

- Residential amenity
- Removal of a gap site

EVALUATION

Principle of development

The application site lies within a residential area. Within such areas, the principle of further residential development is accepted, providing Policy H1 (Residential Areas) is satisfied. Here, the question of whether the proposal represents 'overdevelopment' will be addressed in the 'Context, density & pattern of development' section of this report. Policy H1 also requires that new development does not result in an unacceptable impact on the character or amenity of the surrounding area; this aspect is assessed under the 'Context, density and pattern of development' and 'Proposed café / takeaway & residential amenity' sections below. The principle of non-residential uses within existing residential areas will be refused unless they are considered complementary to residential use; or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of residential amenity. Such matters are discussed in the 'Proposed café / takeaway & residential amenity' section of this report.

Residential development & AIA

PAN 1/2011 (Planning and Noise) provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. This document promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses to ensure that quality of life is not unreasonably affected, and that new development continues to support sustainable economic growth in line with the aims and aspirations of SPP.

The application site is located within close proximity (c.250m) to the eastern boundary of AIA. Policy B4 (Aberdeen Airport) states that applications for residential development in areas where aircraft noise levels are in excess of 57dB LAeq (the summer 16-hour dB LAeq measurement), as identified on the airport noise contour map, will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of AIA for the incremental addition of noise sensitive developments that would restrict or hinder the future operation of a strategically important transport hub, vital to the North East economy.

The site is located between the 55 and 60dB contours as per the Noise Contours Map 2016 (the most recent information held), immediately adjacent to the 60dB contour. On this basis, it is not considered that the proposal would be able to satisfy the terms of policy B4. The Council's Environmental Health team notes that a NIA considering the impact from all aircraft noise on all proposed properties must be carried out in order to establish the type and level of insulation/controls required to meet World Health Organisation and BS8233 standards. A NIA has not been submitted with the application and has not been requested by the planning authority as the principle of further residential development would remain unacceptable in terms of policy B4 (Aberdeen Airport) and this information would not address that overriding policy conflict.

Proposed café / takeaway & residential amenity

Policy T5 (Noise) and the Council's associated Noise SG states that in cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application. There will be a presumption against noise generating developments being located close to noise sensitive developments, such as existing housing. The proposed mixed-use development would incorporate a residential flat above what is, at present, an

undefined class 3/ takeaway use proposed at ground floor level. Furthermore, existing residential property is located in relatively close proximity to the application site. Therefore, there is potential for adverse impacts in respect of noise and malodour from certain types of cooking activities associated with the unspecified class 3 use such as oven cooking, contact grilling, boiling, stewing grilling/ broiling, deep fat frying or shallow frying, for example. Additionally, there is potential for noise disturbance resulting from a proposed outdoor seating area on occupants of the proposed flat, albeit it is considered that the severity of this noise source is likely to be minimal. In the interests of amenity, and to comply with Policy T5 and H1, it is considered that it would be necessary to apply conditions requiring the submission of further information in respect of noise and malodour prior to first occupation of the ground floor unit, if the planning authority were otherwise minded to approve the application. Whilst conditions could adequately address these matters, the principle of further residential development in close proximity to AIA, remains unacceptable.

Policy D2 (Landscape) and associated Landscape SG requires layouts for proposed flatted residential schemes to have clearly defined public and private spaces. Residents of flatted developments should have access to sitting-out areas, provided by balconies, private gardens, terraces or communal gardens. A private amenity space would be provided for the proposed flat by way of a sizable dedicated balcony located to the rear (east) of the property. This space would be appropriately sized, would not be overlooked or overshadowed to a significant degree and would benefit from views/ outlook to the east.

As a general principle, new development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting. In this regard, there would be no impact to neighbouring residential property given that the nearest residential property i.e. north, south and east is located sufficiently distant from the proposal such that there would be no impact in this regard, either from the proposed residential flat or ground floor unit in terms of built form.

Context, density and pattern of development

All development must be designed to respect its context. In this regard, the area surrounding the site reveals a degree of variety in the built form. This section of Victoria Street is characterised by 1½ storey detached dwellings to the south and west, in addition to civic and retail premises of a similar scale to the south of the site. These buildings form an established building line, set back c.9m from the western side of Victoria Street. To the east, the street is characterised by 1½ storey detached dwellings with large front gardens set within generously sized plots, set back circa 20m from the street. Plot ratios in the surrounding area range from 11 to 46%.

The proposal would be set back from the road by c.9m, as per the established frontage of the adjacent church hall and residential premises to the south, with its footprint occupying c.23% of the plot. It is therefore considered that the development would respect the established siting of neighbouring buildings and the established building line, consistent with the Council's SG. It is therefore considered that, in terms of siting and plot coverage, the development would not constitute overdevelopment of the site, in compliance with Policy H1 of the ALDP.

Design, scale and massing

Contextually, the scale and massing proposed is compatible with that of surrounding properties. The proposal seeks to generally replicate the size and scale of residential premises to the south, albeit encompassing a mono-pitched roof where gable roofs predominate within the area. Nevertheless, it is considered that sufficient variety of building heights and roof forms exist within this section of Victoria Street, including hipped, gable, flat and a-symmetrical roofs, such that the addition of a further roof form (mono-pitched) would not result in an adverse impact on visual

amenity. The proposed materials are considered to be compatible with surrounding properties. Overall, it is considered that the proposal, in respect of design, is generally compatible with the surrounding area, one in which would have a positive impact on the visual amenity of the area, in accordance with Policy D1 of the ALDP.

Further to the above, the proposal would see the removal of a gap site, resulting in an improvement to the visual amenity of the wider area, creating additional footfall and activity to this section of Victoria Street.

Parking, road safety & sustainable travel

The Roads Development Management section has raised no concerns in respect of the proposal in respect of road safety, layout and on-site parking provision, the shortfall in which is considered acceptable taking local circumstances into account. Furthermore, the scheme would allow for cycle parking externally, offering access to sustainable modes of transportation. The development is therefore considered suitably compliant with Policy T2 (Transport and Accessibility), T3 (Sustainable and Active Travel) and associated Transport and Accessibility SG of the ALDP.

Waste management

The proposed indicative layout demonstrates adequate provision for communal residual, recyclable and compostable waste storage to the front and rear of the proposal, suitably distant from Victoria Street. It would, therefore, be considered appropriate to apply a condition requiring the submission of a scheme for the storage of waste which to be agreed with the planning authority and for its implementation prior to the commencement of the use.

Low & zero carbon buildings & water efficiency

All new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. In addition, all new buildings are required to use water saving technologies and techniques. Compliance with this requirement could be demonstrated by the submission of a statement as required in SG: Resources for New Development.

Matters raised through representation & Community Council response

With regards representations raising road safety matters, the Council's Roads Development Management team has assessed the proposal and has raised no concern in respect of road or pedestrian safety as a result of the development either within or outwith the site.

The removal of a gap site is a legitimate material consideration and it is acknowledged that the development would result in an improvement to the area in this regard, both in terms of visual amenity. Notwithstanding, the development encompasses a noise sensitive use in close proximity to a significant noise generating use (AIA), in a location where such development is not supported under the terms of policy B4. As such, it is considered that the removal of the gap site, as a material consideration, is outweighed by the provisions of Policy B4 (Aberdeen Airport) and T5 (Noise). The principle of non-residential use could be supported in this location (subject to the submission and acceptance of the required further information), and the removal of this gap site is not dependant on the provision of residential development specifically. As such, the gap site could be removed through the approval of a non-residential development which does not have the same noise sensitivity.

Concerns regarding the need/demand or lack thereof for further food and/or drinks establishments within the Victoria Street area is noted, however, no evidence to back up either position has been

presented for such assertions to be substantiated. It is considered that the provision of a class 3 use in this location could have a positive impact on the local area, and it is not considered that approval of such a use in this location would result in a clustering and/ or abundance of such uses given the nature and makeup of the area. Nevertheless, this proposal cannot be supported due to the proposed residential element for the reasons previously discussed.

Conclusion

To summarise, appropriate conditions could adequately address amenity issues associated with noise and malodour arising from the proposed class 3/ takeaway use, as well as other matters such as waste management and low and zero carbon buildings and water efficiency. However, the principle of providing residential development remains unacceptable on the basis of noise associated with the airport precluding an adequate residential environment, and the need to safeguard the future operation of AIA.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal (subject to appropriate conditions) could comply with policies H1 (Residential Areas), D1 (Quality Placemaking by Design), D2 (Landscape), T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), R6 (Waste Management Requirements for New Development) and R7 (Low and Zero Carbon Building and Water Efficiency) and the associated Supplementary Guidance documents 'Transport and Accessibility' and 'Resources for New Development' of the Aberdeen Local Development Plan. Notwithstanding, the provision of a residential flat in this location fails to comply with policies B4 (Aberdeen Airport), T5 (Noise) and the relevant sections of the associated Supplementary Guidance document 'Noise' and Technical Advice Note 'Planning and Aberdeen Airport' of the Aberdeen Local Development Plan. The principle of residential development in this location is not supported due to the inability to create an adequate residential environment due to the proximity of Aberdeen International Airport, and further, to safeguard its future operation. It is accepted that the development would result in an improvement to the visual amenity of the area through the removal of a gap site, however, this could be achieved through the provision of a non-residential development which does not have the same noise sensitivities. On the basis of the above it is considered that the proposal does not accord with the provisions of the development plan, and there are no material planning considerations that are of sufficient weight to warrant approval contrary to the provisions of the plan.

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100089606-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed erection of unit consisting of cafe with flat above.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ken Mathieson Architectural Design Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	Mansard House
Last Name: *	Gray	Building Number:	15
Telephone Number: *	01224 710357	Address 1 (Street): *	Oldmeldrum Road
Extension Number:	<input type="text"/>	Address 2:	Bucksburn
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB21 9AD
Email Address: *	craig@kenmathieson.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	15
Last Name: *	<input type="text"/>	Address 1 (Street): *	Victoria Street
Company/Organisation	Fleet Properties	Address 2:	Dyce
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB21 7DX
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

Former Public Convenience Adjacent To Dyce Church Hall

Address 2:

Victoria Street

Address 3:

Dyce

Address 4:

Address 5:

Town/City/Settlement:

Aberdeen

Post Code:

Please identify/describe the location of the site or sites

Northing

812972

Easting

388650

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

567.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Former public toilets (now demolished)

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No

(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Bin stores as shown on site plan

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

91

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Craig Gray

On behalf of: Fleet Properties

Date: 03/04/2018

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Craig Gray

Declaration Date: 03/04/2018

Payment Details

Cheque: 0, 0

Created: 03/04/2018 10:26

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Craig Gray
Ken Mathieson Architectural Design Ltd
Mansard House
15 Oldmeldrum Road
Bucksburn
Aberdeen
Scotland
AB21 9AD

on behalf of **Fleet Properties**

With reference to your application validly received on 20 April 2018 for the following development:-

**Erection of cafe with hot food take away and flat above including car parking and associated works
at Former public convenience, adjacent to Dyce Church Hall**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
003 Iss A	Location Plan
002 Iss C	Elevations and Floor Plans

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows:-

The proposal (subject to appropriate conditions) could comply with policies H1 (Residential Areas), D1 (Quality Placemaking by Design), D2 (Landscape), T2

(Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), R6 (Waste Management Requirements for New Development) and R7 (Low and Zero Carbon Building and Water Efficiency) and the associated Supplementary Guidance documents 'Transport and Accessibility' and 'Resources for New Development' of the Aberdeen Local Development Plan. Notwithstanding, the provision of a residential flat in this location fails to comply with policies B4 (Aberdeen Airport), T5 (Noise) and the relevant sections of the associated Supplementary Guidance document 'Noise' and Technical Advice Note 'Planning and Aberdeen Airport' of the Aberdeen Local Development Plan. The principle of residential development in this location is not supported due to the inability to create an adequate residential environment due to the proximity of Aberdeen International Airport, and further, to safeguard its future operation. It is accepted that the development would result in an improvement to the visual amenity of the area through the removal of a gap site, however, this could be achieved through the provision of a non-residential development which does not have the same noise sensitivities. On the basis of the above it is considered that the proposal does not accord with the provisions of the development plan, and there are no material planning considerations that are of sufficient weight to warrant approval contrary to the provisions of the plan.

Date of Signing 29 June 2018

A handwritten signature in cursive script that reads "Daniel Lewis".

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at www.eplanning.scot.

Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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MEMO



ABERDEEN
CITY COUNCIL

To	Ross McMahon Planning & Infrastructure	Date	04/05/2018
		Your Ref.	180522/DPP
		Our Ref.	
From	Roads Projects		
Email	micowie@aberdeencity.gov.uk		
Dial	01224 523761		
Fax			

Strategic Place Planning

Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Aberdeen
AB10 1AB

Tel 03000 200 291
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Planning Application No. 180522/DPP – Erection of café with hot foot take away and flat above including car parking and associated works at Former Public Convenience Adjacent to Dyce Church Hall, Victoria Street, Dyce Aberdeen.

I have considered the above planning application and have the following observations:

1 Development Proposal

- 1.1 I note that this application is to form a café with hot food take away and associated flat above at the site of the former public convenience adjacent to Dyce Church Hall, Victoria Street, Dyce, Aberdeen.
- 1.2 I note that the site is situated within the Dyce Area of Aberdeen which is defined as in the outer City. This area is also a location in which no controlled parking in operation.

2 Walking and Cycling

- 2.1 The site will be served by direct access onto a network of public footpaths along Victoria Street which connects to the wider residential and business areas of Dyce, Aberdeen.
- 2.2 There are no direct links onto any designated cycle lanes/paths, however within 350 of the site is access onto the Formartine and Buchan Way which forms part of National Cycle Route 1 that travels through the centre of the city connecting the North and South, and further afield.

3 Public Transport

- 3.1 The site lies on Victoria Street, Dyce which is served by regular bus services with direct links into the City Centre. Bus stop for this service are located within 50m for either direction.

- 3.2 Also located within 350m of the site is Dyce Railway Station which provides shuttle services into Aberdeen as well as services to further afield destinations such as Dundee, Edinburgh, Glasgow and Inverness while stopping at smaller intermediate stations.

4 Parking

- 4.1 I note that the proposed café has a floor space of 91m², which as per ACC guidelines maximum parking should be provided on a basis on 1 space per 12m², and parking for the associated flat is 1.5 space per flat. This combined total equates to 9 spaces.
- 4.2 The proposed parking provision is a total of 7 spaces, combining 6no. general spaces and 1no. disabled parking space, however there is not a designated parking space for the associated flat which should be provided. As you can see this does result in a small shortfall on the maximum parking requirements. It should be noted that numerous other business along Victoria Street do not have associated parking provision and require utilising available on-street parking while there also being a public car parking area directly adjacent to this site. For these reasons, the proposed parking is considered acceptable, as well predominately serving the local community and local business that will not necessarily require travelling by car.
- 4.3 However, although the number of parking provision may be acceptable, we require to see further details in relation to the general parking area i.e. space dimensions, aisle width between spaces. I note that there is no detail on how the site will be bounded, in particular the north boundary, because we advise that parking spaces should be off-set by 0.5m from any vertical boundary in order to allow manoeuvrability in and out (i.e. parking space marked No.1).
- 4.4 In addition, we require details and dimensions on the new access to be created and the access road along the side of the building.
- 4.5 I acknowledge the proposed disabled parking provision, which is appropriate for a business and car park of this size and nature.
- 4.6 Is proposed to provide cycle parking to the front of the café, this should be secure and covered to serve both customers and staff.

5 Refuse

- 5.1 I note that there are two areas marked for bins, hopefully I am correct in assuming the bins to the rear are that of the business use, how shall this be served by refuse vehicles?

6 Construction Consent

- 6.1 The new access junction layout requires to be designed to Aberdeen City Council standards. The development will require to be subject to a Section 56 Roads Construction Consent procedure and I would urge the applicant to contact Colin Burnet on 01224 522409 to discuss this matter in further detail.

7 Conclusion

- 7.1 There are outstanding issues in respect of this planning application with further information and clarification required. I will be in a position to make further and final comment on receipt of the requested information.

Michael Cowie
Engineering Officer
Roads Development Management

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Aberdeen City Council – Development Management Consultation Request

From: Ross McMahon	Date: 20 April 2018
Email: rmcmahon@aberdeencity.gov.uk	Ref: 180522/DPP
Tel.: 01224 522955	Expiry Date: 11 May 2018

Detailed Planning Permission

**180522/DPP: Erection of cafe with hot food take away and flat above including car parking and associated works at Former Public Convenience Adjacent To Dyce Church Hall
Victoria Street
Dyce
Aberdeen**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=P6LT64BZKE800>

Please select one of the following

No observations/comments.	
Would make the following comments (please specify below).	✓
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	✓
Object to the application (please specify reasons below).	

COMMENTS

With regard to the above Detailed Planning Permission Application an environmental health assessment was carried out. The following aspects have been evaluated and the associated comments are considered appropriate.

Environmental Noise

Aircraft Noise:

The proposed development is located adjacent to Aberdeen Airport. According to the airport Annual LAeq 16 hour noise contours the development is located between the 60 and 63 noise contours. There is potential for an adverse impact due to aircraft noise on the occupants of the proposed residential flat.

Noise Associated with the Café:

It is understood from the documents submitted as part of the application for detailed planning permission, that there will be an outdoor seating area, and that a local extract ventilation (LEV) system will be required. An LEV system and other fixed

plant and equipment associated with the proposed development, and the outdoor seating area have the potential to cause an adverse impact due to noise on nearby residential properties and the occupants of the proposed first floor flat.

Accordingly, a noise impact assessment carried out by a suitably qualified noise consultant is required to allow this Service to assess this application. The assessment should:

- Assess the impact from all aircraft noise on the proposed residential property to establish the type and level of insulation / controls required to meet World Health Organisation and BS8233 standards.
- Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- Identify and assess the impact of likely sources of noise associated with the proposed café development on the proposed flat. Noise from plant and equipment associated with the café should not exceed WHO / BS8233 standards and NR25 night and NR35 day in habitable rooms and bedrooms of the proposed flat.
- Detail the noise mitigation measures to reduce noise from the likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the existing neighbouring residences.
- **The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment.**

Suitable Demonstration of Adequate Odour Control Provision

To protect the amenity of the occupants of nearby residential properties from adverse impacts due to potential malodour associated with operations at the proposed café development, the following is required in order for this Service to assess this application:

1. Where a local extract ventilation (LEV) system is to be installed to remove food odours and fumes, the applicant must ensure an appropriate assessment, in accordance with relevant guidance is carried out by a competent person. The purpose of this assessment is to establish the necessary air extraction flow rate based on the activities and equipment, the necessary specification of the LEV equipment and mitigation measures required to effectively; filter, neutralise, extract and disperse cooking fumes produced by the activities to be undertaken.
2. The details of this assessment and its findings must then be submitted to this Service for review, in the form of a suitable report by a competent person to the satisfaction of this Service. This report must fully demonstrate the minimum design specification of the LEV equipment and odour/fume control measures and their effectiveness.

Responding Officer: K. Nolan
Date: 11/05/2018

Aberdeen City Council – Development Management Consultation Request

From: Ross McMahon	Date: 20 April 2018
Email: rmcmahon@aberdeencity.gov.uk	Ref: 180522/DPP
Tel.: 01224 522955	Expiry Date: 11 May 2018

Detailed Planning Permission

**180522/DPP: Erection of cafe with hot food take away and flat above including car parking and associated works at Former Public Convenience Adjacent To Dyce Church Hall
Victoria Street
Dyce
Aberdeen**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=P6LT64BZKE800>

Please select one of the following

No observations/comments.	
Would make the following comments (please specify below).	✓
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	✓
Object to the application (please specify reasons below).	

COMMENTS

With regard to the above Detailed Planning Permission Application an environmental health assessment was carried out. The following aspects have been evaluated and the associated comments are considered appropriate.

Environmental Noise

Aircraft Noise:

The proposed development is located adjacent to Aberdeen Airport. According to the airport Annual LAeq 16 hour noise contours (2016) the development is located between the 55 and 60 noise contours. The site is located closer to the 60 contour with a direct line of sight to the airport runway. There is potential for an adverse impact due to aircraft noise on the occupants of the proposed residential flat.

Noise Associated with the Café:

It is understood from the documents submitted as part of the application for detailed planning permission, that there will be an outdoor seating area, and that a local

extract ventilation (LEV) system will be required. An LEV system and other fixed plant and equipment associated with the proposed development, and the outdoor seating area have the potential to cause an adverse impact due to noise on nearby residential properties and the occupants of the proposed first floor flat.

Accordingly, a noise impact assessment carried out by a suitably qualified noise consultant is required to allow this Service to assess this application. The assessment should:

- Assess the impact from all aircraft noise on the proposed residential property to establish the type and level of insulation / controls required to meet World Health Organisation and BS8233 standards.
- Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- Identify and assess the impact of likely sources of noise associated with the proposed café development on the proposed flat. Noise from plant and equipment associated with the café should not exceed WHO / BS8233 standards and NR25 night and NR35 day in habitable rooms and bedrooms of the proposed flat.
- Detail the noise mitigation measures to reduce noise from the likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the existing neighbouring residences.
- **The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment.**

Suitable Demonstration of Adequate Odour Control Provision

To protect the amenity of the occupants of nearby residential properties from adverse impacts due to potential malodour associated with operations at the proposed café development, the following is required in order for this Service to assess this application:

1. Where a local extract ventilation (LEV) system is to be installed to remove food odours and fumes, the applicant must ensure an appropriate assessment, in accordance with relevant guidance is carried out by a competent person. The purpose of this assessment is to establish the necessary air extraction flow rate based on the activities and equipment, the necessary specification of the LEV equipment and mitigation measures required to effectively; filter, neutralise, extract and disperse cooking fumes produced by the activities to be undertaken.
2. The details of this assessment and its findings must then be submitted to this Service for review, in the form of a suitable report by a competent person to the satisfaction of this Service. This report must fully demonstrate the minimum design specification of the LEV equipment and odour/fume control measures and their effectiveness.

Responding Officer: K. Nolan
Date: 27/6/2018

Aberdeen City Council – Development Management Consultation Request

From: Ross McMahon	Date: 20 April 2018
Email: rmcmahon@aberdeencity.gov.uk	Ref: 180522/DPP
Tel.: 01224 522955	Expiry Date: 11 May 2018

Detailed Planning Permission

180522/DPP: Erection of cafe with hot food take away and flat above including car parking and associated works at Former Public Convenience Adjacent To Dyce Church Hall, Victoria Street, Dyce Aberdeen

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=P6LT64BZKE800>

Please select one of the following

No observations/comments.	
Would make the following comments (please specify below).	Y
Would recommend the following conditions are included with any grant of consent.	Y
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

COMMENTS

The proposed development is mixed use consisting of 1 upstairs flat and commercial on the ground floor. The response will be in two parts in light of this:

Residential

The following bins are required for the 1 residential property:

- **1x 240l general waste wheeled bin**
- **1x 240l mixed recycling wheeled bin**
- **1x food and garden waste (the flat also will receive a kitchen caddy, bioliners and associated information)**

Specific comments:

- From reviewing the relevant documents there is a separate bin store for both the residential and commercial waste which is good as the waste streams will not be accidentally mixed up.

Commercial

When providing feedback on commercial developments, we can only provide a very general response, as Aberdeen City Council is not the only waste service contractor available in the city therefore private companies may have different arrangements compared to our Trade Waste service.

- Business premises need to be provided with a bin store in order to allocate, within the property, the waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

Independent guidance about waste and recycling provision, storage and collection is also available at the following document:

http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf

General points for both residential and commercial

If the bin store will be **locked and/ or a barrier** to the car park, **8 Keys** must be provided for each store, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.

Further information is available for both residential and commercial waste in our Supplementary Waste Guidance:

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=74584&SID=14394>

Responding Officer: Hannah Lynch
Date: 23.04.2018
Email: halynch@aberdeencity.gov.uk
Ext: 387627

Please note: Unless agreed with the Case Officer, should no response be received by the expiry date specified above it will be assumed your Service has no comments to make.

Should further information be required, please let the Case Officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

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MEMO



ABERDEEN
CITY COUNCIL
Flooding
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 11 ,
2nd Floor West,
Marischal College
Broad Street
Aberdeen AB10 1AB

To	R McMahon Planning & Infrastructure	Date	26/04/18
		Your Ref.	180522
		Our Ref.	
From	Flooding		
Email	pa.flooding@aberdeencity.gov.uk		
Dial	01224 53 2387		
Fax			

Planning application no.180522

ACC Flood Team have no comments or objections to make on this application as it does not pose any flood risk. We would recommend the use of permeable materials where suitable in the design. Also we would recommend the use of rain water harvesting where suitable in the design.

Regards
Katy Joy Goodall - Flooding & Coastal

Rob Polkinghorne

Chief Operating Officer

Operations and Protective Services

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FAO Ross McMahon
Aberdeen City Council

Via Email

ABZ Ref: ABZ2729

31st May 2018

Dear Ross

Ref: 180522/DPP Erection of cafe with hot food take away and flat above including car parking and associated works at Former Public Convenience Adjacent To Dyce Church Hall Victoria Street Dyce

I write in relation to the above application. The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

Yours Sincerely



Kirsteen MacDonald

Safeguarding Manager
Aberdeen Airport



abzsafeguard@aiairport.com



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Comments for Planning Application 180522/DPP

Application Summary

Application Number: 180522/DPP

Address: Former Public Convenience Adjacent To Dyce Church Hall Victoria Street Dyce Aberdeen

Proposal: Erection of cafe with hot food take away and flat above including car parking and associated works

Case Officer: Ross McMahon

Customer Details

Name: Dr Bill Harrison

Address: 16 Summer Place Dyce Aberdeen

Comment Details

Commenter Type: Community Councillor

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am writing on behalf of Dyce and Stoneywood Community Council. We support this application. Reasons: (i) an appropriate redevelopment of an 'eyesore' derelict site; (ii) enhanced amenity in Dyce re provision of informal dining facilities. We believe that there is significant public support for this facility. We sincerely hope that the problems that led to application 161789 being rejected can be mitigated or overcome re the present application.

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143 Victoria Street,

Dyce,

Aberdeen. AB21 7BJ

9-05-18.

Town and Country Planning

Marischal College,

Broad Street,

Aberdeen AB10 1AB.

Application Ref. 180522/DPP.

Proposals of cafe with hot food take away

The main road at this point is very congested by Traffic lights, junctions, bus stops at both sides.

The church hall which is used by Playgroups for young children, Rainbows, Brownies + girl guides (majority dropped off by cars). Church events are held here at all times.

Funerals, Weddings + all church services use car park which causes congestion getting on to main street.

This is a residential area + the noise + litter from the Take Away will be increased.

Less parking is available for the new premises. Normal procedure is that Cars, Lorries, buses park along past our property. The above are some of the issues that will cause more congestion, noting yellow lines at other side of street.

Complaint :- Mr [REDACTED]

Mr [REDACTED]

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Comments for Planning Application 180522/DPP

Application Summary

Application Number: 180522/DPP

Address: Former Public Convenience Adjacent To Dyce Church Hall Victoria Street Dyce Aberdeen

Proposal: Erection of cafe with hot food take away and flat above including car parking and associated works

Case Officer: Ross McMahon

Customer Details

Name: Miss Megan Stronach

Address: 10 Pitmedden Mews Dyce Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: About time Dyce had something that can be used by all the community. Really hope this goes ahead as Dyce is falling back in attractiveness against Ellon etc which is doing well for coffee shops etc

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Comments for Planning Application 180522/DPP

Application Summary

Application Number: 180522/DPP

Address: Former Public Convenience Adjacent To Dyce Church Hall Victoria Street Dyce Aberdeen

Proposal: Erection of cafe with hot food take away and flat above including car parking and associated works

Case Officer: Ross McMahon

Customer Details

Name: Mrs Alison Hay

Address: 13 Liddell Place Dyce Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Dyce really need facilities like a cafe. There are no places in the Main Street, besides pubs, where people can go and meet with friends or just relax with a paper or book. Great for the community

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Comments for Planning Application 180522/DPP

Application Summary

Application Number: 180522/DPP

Address: Former Public Convenience Adjacent To Dyce Church Hall Victoria Street Dyce Aberdeen

Proposal: Erection of cafe with hot food take away and flat above including car parking and associated works

Case Officer: Ross McMahon

Customer Details

Name: Mrs Emma Christie

Address: 11 Parkhill way Dyce Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This is very much needed in the community.

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Comments for Planning Application 180522/DPP

Application Summary

Application Number: 180522/DPP

Address: Former Public Convenience Adjacent To Dyce Church Hall Victoria Street Dyce Aberdeen

Proposal: Erection of cafe with hot food take away and flat above including car parking and associated works

Case Officer: Ross McMahon

Customer Details

Name: Miss Lauren Campbell

Address: 21 Waterton Lawn Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Much needed asset for the Dyce Community. Nowhere like this around.

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Comments for Planning Application 180522/DPP

Application Summary

Application Number: 180522/DPP

Address: Former Public Convenience Adjacent To Dyce Church Hall Victoria Street Dyce Aberdeen

Proposal: Erection of cafe with hot food take away and flat above including car parking and associated works

Case Officer: Ross McMahon

Customer Details

Name: Ms carole mellis

Address: 10 Craigie Park Newmachar Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a very busy and congested part of Victoria Street in Dyce, adding more parked cars and congestion right next to traffic lights, a difficult entry/exit from Gladstone place, the church entrance is going to make the road a danger to pedestrians and drivers alike.

This road is often backed up already and full of traffic.

As a former resident and daily frequenter of Dyce there is not a need for this facility Dyce is already served by more than enough facilities providing this service and amenity.

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Comments for Planning Application 180522/DPP

Application Summary

Application Number: 180522/DPP

Address: Former Public Convenience Adjacent To Dyce Church Hall Victoria Street Dyce Aberdeen

Proposal: Erection of cafe with hot food take away and flat above including car parking and associated works

Case Officer: Ross McMahon

Customer Details

Name: Miss Anna Mitchell

Address: 41 Burnside Walk Dyce Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

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Comments for Planning Application 180522/DPP

Application Summary

Application Number: 180522/DPP

Address: Former Public Convenience Adjacent To Dyce Church Hall Victoria Street Dyce Aberdeen

Proposal: Erection of cafe with hot food take away and flat above including car parking and associated works

Case Officer: Ross McMahon

Customer Details

Name: Miss Kenza Watson

Address: 35 Berrywell Walk Dyce Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This would be great, dyce needs more places like that, no reason to object

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Comments for Planning Application 180522/DPP

Application Summary

Application Number: 180522/DPP

Address: Former Public Convenience Adjacent To Dyce Church Hall Victoria Street Dyce Aberdeen

Proposal: Erection of cafe with hot food take away and flat above including car parking and associated works

Case Officer: Ross McMahon

Customer Details

Name: Mr Stephen Cruickshank

Address: 183, Victoria Street Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: A very congested area of the road.

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National Planning Policy

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

Aberdeen Local Development Plan (ALDP)

- H1 – Residential Areas
- D1 – Quality Placemaking by Design
- D2 – Landscape
- T2 – Managing the Transport Impact of Development
- T3 – Sustainable and Active Travel
- T5 – Noise
- B4 – Aberdeen Airport
- R6 – Waste Management Requirements for New Development
- R7 – Low and Zero Carbon Buildings and Water Efficiency

at:

<https://www.aberdeencity.gov.uk/services/planning-and-building/development-plan>

Supplementary Guidance

Landscape SG

<https://www.aberdeencity.gov.uk/sites/default/files/1.6.PolicySG.LandscapeSG.pdf>

Transport and Accessibility SG

<https://www.aberdeencity.gov.uk/sites/default/files/5.1.PolicySG.TransportAccessibility.pdf>

Noise SG

https://www.aberdeencity.gov.uk/sites/default/files/5.3.PolicySG.Noise_.pdf

Resources for New Development SG

<https://www.aberdeencity.gov.uk/sites/default/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

Planning and Aberdeen Airport TAN (and associated maps)

<https://www.aberdeencity.gov.uk/sites/default/files/AberdeenAirportTAN.pdf>

https://www.aberdeencity.gov.uk/sites/default/files/Map_A_Public_Safety_Zone_North.pdf

https://www.aberdeencity.gov.uk/sites/default/files/Map_B_Public_Safety_Zones_South.pdf

https://www.aberdeencity.gov.uk/sites/default/files/Map_C_2006_Noise_Contours.pdf

https://www.aberdeencity.gov.uk/sites/default/files/Map_D_AIA_Safeguarding_Map.pdf

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100137584-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Suller & Clark		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Karine	Building Name:	Scoutbog Steading
Last Name: *	Suller	Building Number:	
Telephone Number: *		Address 1 (Street): *	Oldmeldrum
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Oldmeldrum
Fax Number:		Country: *	UK
		Postcode: *	AB51 0BH
Email Address: *	karine@sullerandclark.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

First Name: *

Building Number:

15

Last Name: *

Address 1
(Street): *

Victoria Street

Company/Organisation

Fleet Properties

Address 2:

Dyce

Telephone Number: *

Town/City: *

Aberdeen

Extension Number:

Country: *

UK

Mobile Number:

Postcode: *

AB21 7DX

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

812972

Easting

388651

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Planning Permission for Erection of Cafe with hot food take away and flat above, including car parking and associated works at Former Public Convenience, Adj. Dyce Church Hall, Victoria Street, Dyce

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Appeal Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal Statement Application Forms Location Plan Proposed Floor Plan, Block Plan, Elevations Delegated Report Decision Notice

Application Details

Please provide details of the application and decision.

What is the application reference number? *

180522/DPP

What date was the application submitted to the planning authority? *

20/04/2018

What date was the decision issued by the planning authority? *

29/06/2018

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Karine Suller

Declaration Date: 21/09/2018

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**Town and Country Planning (Scotland) Act 1997
as amended**

**Appeal against refusal of
Planning Permission for Erection of Cafe with hot food take away
and flat above, including car parking and associated works
at
Former Public Convenience, Adj. Dyce Church Hall, Victoria Street,
Dyce**

(Planning Ref: 180522/DPP)

by Aberdeen City Council ("the Council")

For Fleet Properties ("the Appellant")

■ **Karine Suller B.Sc, M.Sc, MRTPI**
Scoutbog Steading, Oldmeldrum
Aberdeenshire AB51 0BH

Telephone: 07742 613 598
karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons), MRTPI**
Mayriggs, 69 Brechin Road
Kirriemuir DD8 4DE

Mob: 07930 566 336
karen@sullerandclark.com

Background

An application for Planning Permission was submitted and validated on 20 April 2018 and refused by Aberdeen City Council on 29 June 2018.

The planning application sought Planning Permission for the Erection of Cafe with hot food take away and flat above, including car parking and associated works at Former Public Convenience, Adj. Dyce Church Hall, Dyce

The Appellant wishes to Appeal against the refusal of this permission.

The Decision Notice reads:

"The proposal (subject to appropriate conditions) could comply with policies H1 (Residential Areas), D1 (Quality Placemaking by Design), D2 (Landscape), T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), R6 (Waste Management Requirements for New Development) and R7 (Low and Zero Carbon Building and Water Efficiency) and the associated Supplementary Guidance documents 'Transport and Accessibility' and 'Resources for New Development' of the Aberdeen Local Development Plan. Notwithstanding, the provision of a residential flat in this location fails to comply with policies B4 (Aberdeen Airport), T5 (Noise) and the relevant sections of the associated Supplementary Guidance document 'Noise' and Technical Advice Note 'Planning and Aberdeen Airport' of the Aberdeen Local Development Plan. The principle of residential development in this location is not supported due to the inability to create an adequate residential environment due to the proximity of Aberdeen International Airport, and further, to safeguard its future operation. It is accepted that the development would result in an improvement to the visual amenity of the area through the removal of a gap site, however, this could be achieved through the provision of a non-residential development which does not have the same noise sensitivities. On the basis of the above it is considered that the proposal does not accord with the provisions of the development plan, and there are no material planning considerations that are of sufficient weight to warrant approval contrary to the provisions of the plan."

Grounds of Appeal

The proposal, with the exclusion of the residential element (a first floor flat) would be supported by planning policy.

The Appeal will focus on three Issues:

- the council sale of the site
- the re-use of an empty and derelict site
- noise to existing residential properties in Dyce/Stoneywood.

1. In relation to the council sale of the site

The site was offered for sale by Aberdeen City Council Estates Team in 2011. The Sales particulars describe the surrounding properties as "*mixture of commercial and residential.*"

The Planning heading note that the subjects fall within an area zoned as "*Residential*" in the current adopted Aberdeen City Local Plan, and advised further information can be obtained by contacting the Planning & Sustainable Development Service.

See extracts below:

PLANNING

The subjects fall within an area zoned as 'Residential' in the current adopted Aberdeen City Local Plan. Further information can be obtained by contacting: Development Management, Planning & Sustainable Development, telephone (01224) 523470, e-mail: pr@aberdeencity.gov.uk

LOCATION

The subjects are located on the west side of Victoria Street, adjacent to the junction of Gladstone place in Dyce. The property is situated approximately 7 miles North West of Aberdeen city centre with close proximity to the city's airport. The surrounding properties are a mixture of commercial and residential use.

Both pieces of advice suggest that a residential function to the site would be acceptable and the Appellant purchased the site on this basis.

2. The re-use of an empty and derelict site

The former toilet block has now been demolished and the site lies empty and unused. It lies in an attractive street scene on Victoria Street, the main thoroughfare through Dyce, flanked to the south by Dyce Church Hall, a pleasant community building, with residential properties across the street to the east.

It is never desirable to a community to have a site lie empty and derelict; it quickly detracts from the remainder of the community. There were more letters of support than objection to this application. Support for this proposal was seen from Dyce and Stoneywood Community Council who noted support for, in particular

- *"the redevelopment of an eyesore derelict site....."*
- *enhanced amenity in Dyce re provision of informal dining facilities....."*

Other members of the public in support of the application, noted

- *"Dyce needs more places like this...."*
- *much needed asset to Dyce community...."*

- *great for the community.....*
- *Dyce is falling back in attractiveness against Ellon etc....."*

Whilst there were some concerns about the busy road and traffic congestion, the councils Road Service did not object to the application, noting sufficient parking and space for refuse collection.

The site is not only accessible by car, but also has direct access to a network of public footpaths connecting to the residential and commercial areas in Dyce. Victoria Street is served by regular bus services into Aberdeen and northwards to Oldmeldrum-Banff-Elgin, as well as Dyce Railway station which lies only 350m from the site. Further, National Cycle Route 1 is within 350m of the site, thereby showing a number of means of sustainable transport open to this enterprise.

Dyce has limited cafe facilities at present; with its own population, together with the number of people working at this side of Dyce, and the passing traffic on the A947/Victoria Street, this makes a good, sustainable location for such a use. At present cafe facilities are limited to the Asda cafe (within the supermarket), The Marriott Hotel on Overton Circle, and slightly further afield, the Marks & Spencer cafe at Stoneywood.

In considering the mixed use application, the Council noted that the principle of further residential development in a residential area was accepted. In terms of the context, density and pattern of development, this was deemed acceptable, in compliance with Policy H1 of the ALDP. In relation to design, scale and massing, was considered generally compatible with the surrounding area and accords with Policy D1, and

"would have a positive impact on the visual amenity of the area....."

Finally, in relation to technical matters such as parking, road safety, sustainable travel, waste management and building and water efficiency, these matters are satisfactorily addressed. The application fails due to the insertion of the flatted residential element, necessary to provide an income stream to the ground floor business. The Appellant would argue that the incorporation of features such as acoustic materials including plasterboards, insulations, glazing etc. will mitigate the perceived noise nuisance.

3. Noise to existing properties in Dyce

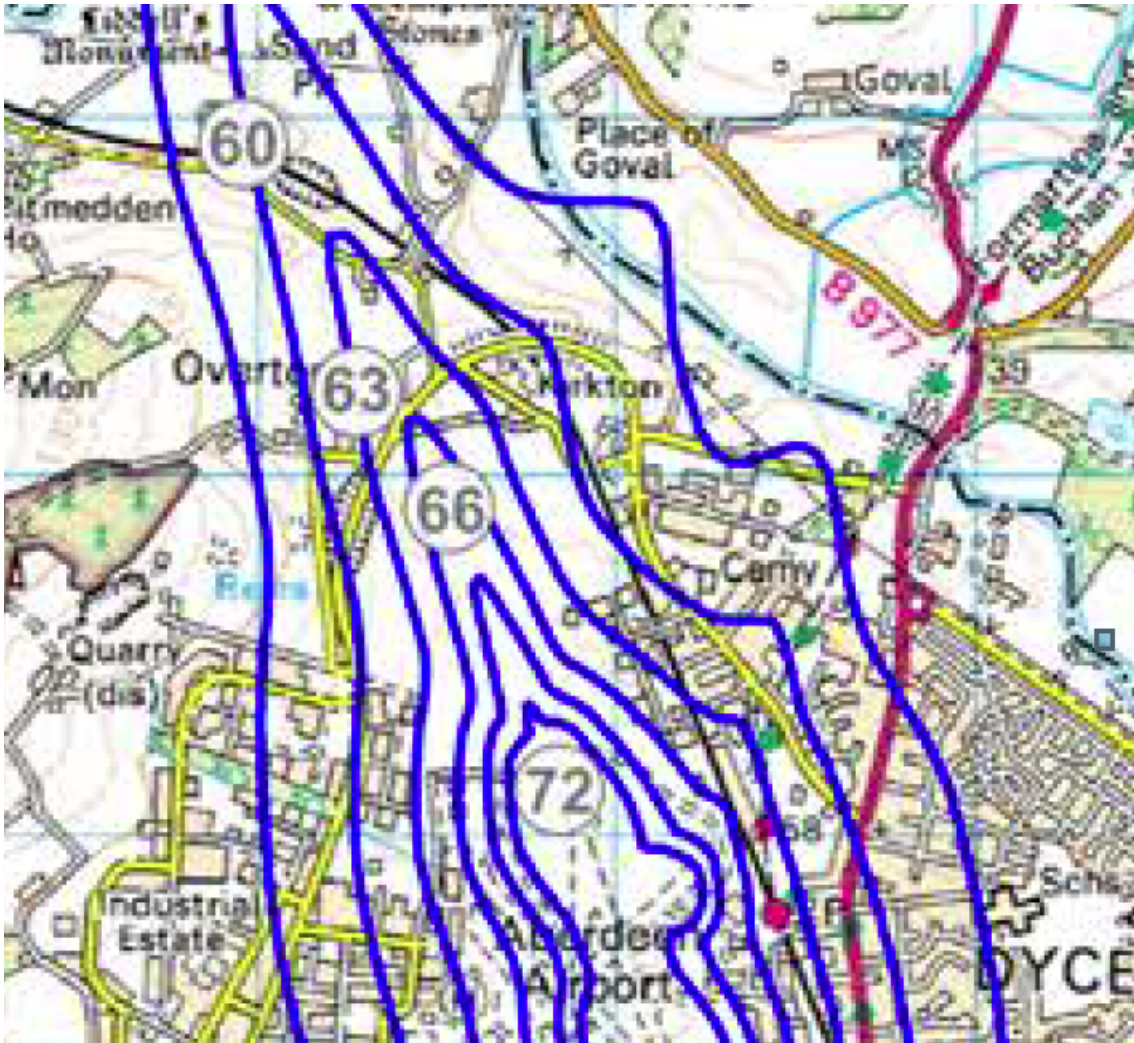
Many residential properties in Dyce lie between the 55 to 60dB contour identified in the Aberdeen Airport TAN (Technical Advice Note), which was published in September 2015. The TAN is to provide additional guidance on the interpretation of policies contained within the Aberdeen Local Development Plan 2012, the last Plan, not the extant Plan and does not carry the same weight as Supplementary Guidance.

In relation to noise, the TAN advises that communities become significantly annoyed by aircraft noise above 57dB and refers to the aircraft noise contour map (Map C), which shows these contours over Dyce, these noise contours are dated 2006. See extract below:

It is clear from the Map that many properties in Dyce lie within the 57 to 60dB contours; it covering much of Victoria Street, into Stoneywood and much of the residential area to the east of Victoria Street.



For greater detail see below:



A number of examples have been examined where planning applications have been made within the Dyce/Stoneywood area, to assess how these applications have been considered. These include:

- Flats above Tesco Express, Victoria Street, Dyce - approved May 2005 (Ref: A5/0383).
- First floor flat above Vets Surgery, Victoria Street, Dyce - approved 18/09/2009 (Ref:09-0894) - with planning condition that accommodation only to be occupied by someone working in the Vets Surgery.
- Change of Use Guest House to dwellinghouse at 201 Victoria Street, Dyce - granted 23/11/2017 (Ref: 17-1303). No Noise Impact Assessment required. When questioned about how this application was dealt with by the Appellants Agents, the Planner's response was that *"Guesthouse considered quasi-residential..... the circumstances are considerably different..."*

- Demolition of garage and erection of dwellinghouse at 188 Victoria Street, Dyce - pending. (Ref: 18-1529) At the time of writing no noise nuisance has been raised.
- Site Adjacent to 324 Stoneywood Road Bucksburn, (Ref: 161802/MS) MSC approved 15/03/2017. PPP application (Ref: P150849 PPP), where no NIA sought, the Environmental Health Officer noted

"but recommend that suitable mitigation measures are incorporated to ensure that internal noise levels do not exceed LAeq of 45dB (day) and 35dB (night)."

This site appears to lie within the 57-60 dB contour.

- Change of Use of Previously Approved Gym to Form 5 Flats at Stoneywood Development, S2 Block B, Stoneywood Estate, Aberdeen. (Ref: 151505) - approved 5/05/2016. Environmental Health made no observations; this site appears to lie within the 57-60 dB contour.
- Demolition of hotel and erection of 68 affordable flats at Cloverleaf Hotel, Kepplehills Road, Aberdeen (Ref: 141837) approved 23/03/2016. Having been identified as within the outer margins, this matter was dealt with by Planning condition. The Planner noted

"As the proposals falls within the outer margins of airport noise contours, the Council's Environmental Health Services team have requested that a condition be placed requiring the applicant to undertake a Noise Impact Assessment."

The Environmental Health Officer noted *"As this proposal only falls within the outer margins of the airport noise contours ,I do not consider noise to be a significant issue in determination of the application. However suitable measures will need to be incorporated to allow a reasonable level of internal amenity."*

- Residential development comprising 302 flats over 4 and 5 storeys, associated infrastructure, access roads and landscaping at land at Wellheads Road, Dyce. (Ref: 181050/DPP) Pending. The Noise Impact Summary Report notes:

"The site lies within the area covered by the noise contours associated with Aberdeen International Airport (AIA); specifically straddling the 60dB LAeq and 57dB LAeq noise contours. It should however be noted that by 2040 the entire site is anticipated to lie with the 57dB LAeq noise contour due to reduced flight traffic associated with the offshore oil and gas industry."

In summary, it is apparent that a number of residential properties in Dyce and Stoneywood lie within the areas identified on the Noise Contour maps produced in 2006 and forming part of the Technical Advice Note relating to Aberdeen Airport. However, what is apparent is that planning applications have been approved since 2006, with the benefit of this information, and have been deemed to be satisfactory to either the Planning or Environmental Health Service.

It is worth noting that the contours are based on 2006 data, that Building Standard Regulations and building techniques have changed and improved in this timeframe, ensuring that properties can be made more sound proof than previously. There appears to be some ambiguity as to how planning applications are dealt with regarding noise.

Planning History

By way of background, a first application was submitted in 2016 for the "erection of shop with flat above" on the same site (Ref: 161789/DPP). This application was refused 22/02/2017 for reasons relating to landscape and noise, specifically:

- inability to provide adequate degree of outdoor residential amenity space,
- suitable on-site parking,
- inability to create an appropriate level of residential amenity, due to the need to safeguard the future operation of Aberdeen International Airport.

Site description

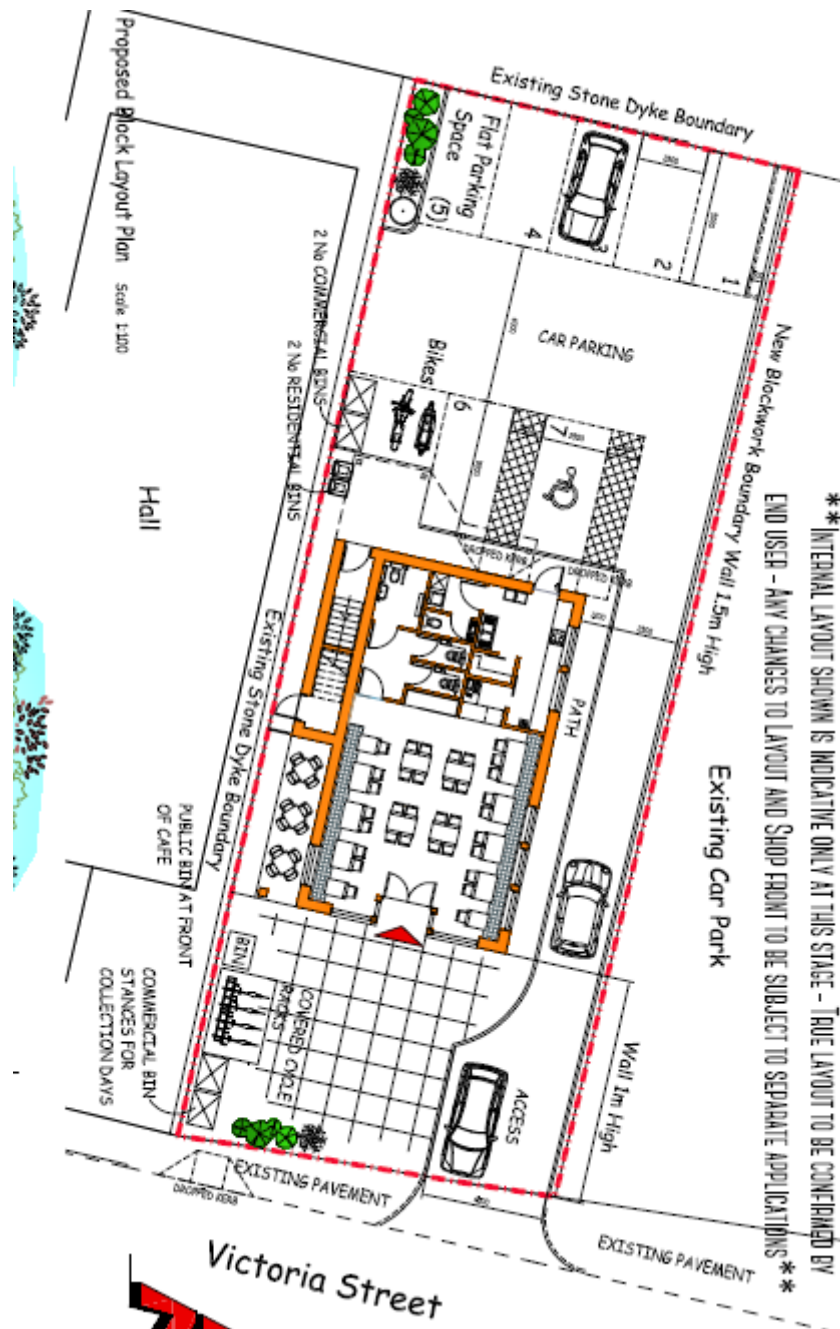
The appeal site measures 0.05 ha, as noted in the sales particulars and comprises a now derelict site, the former public toilets having been demolished. Dyce Church Hall lies directly to the south, with another derelict site to the north, thought to be owned by Aberdeen City Council but used as an informal public car park for the Church, Church Hall and general public. It is an informal use of the site, the ground is not surfaced and neither are there any road markings. Victoria Street lies directly to the east with residential properties across the street. The wider surrounding area is a mix of residential, retail and commercial uses.

The site is on a busy street where residential amenity would be anticipated as less than ideal due to car movements and general activity. However, this should not detract from the sustainable location of the site and by making best use of land, this site provides an excellent opportunity for a small redevelopment.

Proposed development

The appeal seeks planning permission for redevelopment of the site to create a new building comprising a ground floor cafe and/or hot food takeaway with one bed flat on the first floor, with car parking to the rear. The issue of outdoor amenity space to

the first floor flat was resolved by the creation of a first floor balcony/sitting out area, located to the rear (west). See Site layout below:



Access is taken directly from Victoria Street, via a double width access, which leads to the rear of the property; here 7 parking spaces are provided, including 1 disabled space and dedicated space for the flat occupant, together with bike parking as well as covered cycle storage to the front of the property. The main pedestrian access is to the front (east) of the site on to the street frontage providing a welcoming and attractive front elevation, see below:



All technical consultations proved satisfactory, with the exception of the Environmental Health Service who requested a Noise Impact Assessment (NIA) and an assessment of odour control for the proposed cafe/hot food takeaway.

Development Plan Policy

Scottish Planning Policy 2014

The SPP published June 2014 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality development in sustainable locations.

Paragraph 2 states

“Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.”

The SPP introduces a presumption in favour of development that contributes to sustainable development one of the guiding principles of the planning system is:

“making efficient use of existing capacities of land, buildings and infrastructure”

The SPP defines brownfield land as

“Land which has previously been developed. The term may cover vacant or derelict land; land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.”

Aberdeen City and Shire Strategic Development Plan 2014

The Aberdeen City and Shire Strategic Development Plan 2014 has developed a spatial strategy that meets the needs of business and at the same time is sustainable and takes on the challenges of climate change. The strategy also recognises the need to maintain and improve the areas communities and the services they depend on. The site lies within a Strategic Growth Area.

Aberdeen Local Development Plan 2017

The following policy is considered relevant to the determination of this appeal:

B4 - Aberdeen Airport recognises the airport as a strategic transport hub. The policy seeks

"Any proposed development must not compromise the safe operation of the airport. Matters such as the height of buildings, external lighting, landscaping, bird hazard management and impact on communication and navigation equipment will be taken into account in assessing any potential impact."

With regards residential development

"Applications for residential development in areas where aircraft noise levels are in excess of 57dB LAeq (the summer 16-hour dB LAeq measurement) as identified on the airport noise contour map will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of Aberdeen International Airport. For proposed development which would be located within the remaining noise contours, applicants may be required to submit a noise assessment demonstrating that an appropriate level of residential amenity could be achieved."

Response - with regards the first issue, to ensure the safe operation of the airport is not compromised, Aberdeen International Airport, as part of the technical consultation, confirmed no objection to the development. With regards the second issue, the Appellant is confident that through the use of modern building methods, a satisfactory level of residential amenity can be achieved.

T5 - Noise, policy notes

"In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application."

The SG Noise provides advice on when a NIA might be required.

The TAN Planning and Aberdeen Airport provides additional guidance on the interpretation of policies contained within the Aberdeen Local Development Plan 2012, the last Plan, not the extant Plan and does not carry the same weight as Supplementary Guidance. In relation to noise, the TAN advises that communities become significantly annoyed by aircraft noise above 57dB and refers to the aircraft

noise contour map (Map C), which shows these contours over Dyce, these noise contours are dated 2006.

Response - The Appellant contends that many residential properties in Dyce/Stoneywood lie within the noise contours and a number of planning applications have been approved for residential development within these zones. Therefore it is clear that a satisfactory level of residential can be achieved and maintained.

Discussion

The Town & Country Planning (Scotland) Act 1997 as amended requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.

The appeal seeks planning permission for redevelopment of a redundant and derelict site to a ground floor cafe/hot food takeaway, with first floor flat. All technical consultations were satisfactory and the Planning Service found the ground floor cafe se to accord with all relevant planning policies. It is the first floor residential element, in a location close to Aberdeen International Airport that led to the refusal.

The Appellant contends that the Council in selling the site suggested in its Sales particulars that the site was appropriate for residential development and the Appellant purchased the site on this basis. Secondly, that the continued empty and derelict site detracts from the attractive and busy street scene that is Victoria Street. There was support from many in the community and especially the community council, with many noting the need for such a use in Dyce. Finally, examples are presented where residential developments have been considered appropriate.

The Appellant submits that the Appeal complies with all polices of the Scottish Government and Aberdeen City Council and as a result we would respectfully request that the appeal is upheld.