

Public Document Pack



To: Councillor McRae, Convener; Councillor Bouse, Vice-Convener; and Councillors Alphonse, Boulton, Clark, Cooke, Copland, Farquhar, Lawrence, Macdonald, Radley, Tissera and Thomson.

Town House,
ABERDEEN 25 October 2023

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Council Chamber - Town House** on **THURSDAY, 2 NOVEMBER 2023 at 10.00 am**. This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

JENNI LAWSON
INTERIM CHIEF OFFICER – GOVERNANCE (LEGAL)

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

MOTION AGAINST OFFICER RECOMMENDATION

1.1. Motion Against Officer Recommendation - Procedural Note (Pages 7 - 8)

DETERMINATION OF URGENT BUSINESS

2.1. Determination of Urgent Business

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

- 3.1. Members are requested to intimate any declarations of interest or connections

MINUTES OF PREVIOUS MEETINGS

- 4.1. Minute of Meeting of the Planning Development Management Committee of 21 September 2023 - for approval (Pages 9 - 16)

COMMITTEE PLANNER

- 5.1. Committee Planner (Pages 17 - 20)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Detailed Planning Permission for the replacement of Aberdeen Market (including redevelopment of 91-93 Union Street) with mixed use development including retail (class 1A), food and drink (class 3), leisure (class 11), and landscaping / public open space including proposed pedestrian link from Union Street to The Green, and associated works - Site of the former Aberdeen Market and 91-93 Union Street, Aberdeen (Pages 21 - 56)

Planning Reference – 230704

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Matthew Easton

- 6.2. Detailed Planning Permission for the change of use from betting shop to adult gaming centre (sui generis) - 178 George Street Aberdeen (Pages 57 - 68)

Planning Reference – 230972

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Alex Ferguson

- 6.3. Detailed Planning Permission for the change of use of from class 8 (residential institutions) to form 24no. affordable flats, including formation/replacement of doors and windows; installation of cladding, and alterations to the car park and garden ground with associated works - Former Banks O' Dee Nursing Home, Abbotswell Road, Aberdeen (Pages 69 - 102)

Planning Reference – 230685

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Alex Ferguson

- 6.4. Listed Building Consent for lowering of sills and installation of windows - Persley Castle Care Home, Mugiemoss Road Aberdeen (Pages 103 - 108)

Planning Reference – 230351

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Samuel Smith

- 6.5. Detailed Planning Permission for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people - Flat H, 287 King Street Aberdeen (Pages 109 - 120)

Planning Reference – 231064

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Samuel Smith

- 6.6. Detailed Planning Permission for the change of use from class 4 (business) to class 1A (shops and financial professional and other services) and class 3 (food and drink) with covered outdoor seating area including demolition of existing lean to extension and erection of single storey extension; alterations to a shop front; re-cladding; installation of doors, rooflights and roof repairs with associated car parking and other associated works - Former Cults Station, Station Road Aberdeen (Pages 121 - 144)

Planning Reference – 230772

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Gavin Clark

- 6.7. Detailed Planning Permission for the retention of takeaway food kiosk and outdoor seating area with decking including change of use (temporary for 12 months) - Former Cults Station, Station Road Aberdeen (Pages 145 - 156)

Planning Reference – 230922

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Gavin Clark

- 6.8. Detailed Planning Permission for the change of use from amenity land to class 4 (business) including installation of fence and roller shutter doors associated with 16 Broomhill Road (part retrospective) - Rear Of 12 - 14 Broomhill Road, Aberdeen (Pages 157 - 166)

Planning Reference – 230550

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Aoife Murphy

- 6.9. Detailed Planning Permission for the change of use from office to student accommodation (sui generis) including refurbishment and replacement of windows, alterations of vents and associated works - 259 Union Street Aberdeen (Pages 167 - 180)

Planning Reference – 230246

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Laura Robertson

- 6.10. Detailed Planning Permission for the erection of 2 storey detached dwelling house with garage and associated works - 360 North Deeside Road Aberdeen (Pages 181 - 192)

Planning Reference – 230251

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Dineke Brasier

OTHER REPORTS

- 7.1. Planning Development Management Committee Annual Effectiveness Report - PLA/23/340 (Pages 193 - 208)

DATE OF NEXT MEETING

8.1. Thursday 7 December 2023 - 10am

Integrated Impact Assessments related to reports on this agenda can be viewed [here](#)

To access the Service Updates for this Committee please click [here](#)

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 067344 or email lymcbain@aberdeencity.gov.uk

Agenda Item 1.1

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis. It is important that the reasons for approval or refusal of all applications and any conditions to be attached are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 29.11 the Convener can determine whether a motion or amendment is competent and may seek advice from officers in this regard. With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. The Convener will usually call a short recess for discussion between officers and Members putting forward an alternative to the recommendation.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 21 September 2023. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Bouse, Vice-Convener; and Councillors Alphonse, Boulton, Clark, Cooke, Copland, Farquhar, Lawrence, Macdonald, Radley and Thomson.

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

REFERRAL FROM FULL COUNCIL - ENERGY TRANSITION ZONE

1. With reference to Article 6 of the minute of meeting of Council of 11 September 2023, the Committee had before it a referral in the following terms:-

To recommend to the Planning Development Management Committee that any future reports of the Energy Transition Zone (ETZ) Masterplan be reported to the earliest appropriate meeting of Full Council.

The Convener moved, seconded by the Vice Convener:-

That the Committee accept the recommendation from Council.

Councillor Boulton moved as an amendment, seconded by Councillor Farquhar:-

That this Committee continue to receive ETZ Masterplan reports and not Council.

On a division, there voted – for the motion (10) – the Convener, the Vice Convener and Councillors Alphonse, Cooke, Copland, Clark, Lawrence, Macdonald, Radley and Thomson – for the amendment (2) Councillors Boulton and Farquhar.

The Committee resolved:-

to adopt the motion and therefore agree that any future reports of the Energy Transition Zone (ETZ) Masterplan be reported to the earliest appropriate meeting of Full Council.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 24 AUGUST 2023

2. The Committee had before it the minute of the previous meeting of 24 August 2023, for approval.

The Committee resolved:-

to approve the minute as a correct record.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

21 September 2023

COMMITTEE PLANNER

3. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance (Legal).

The Committee resolved:-

to note the committee business planner.

92-126 JOHN STREET ABERDEEN - 230514

4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the erection of student accommodation (circa 383 beds) with associated infrastructure and landscaping at 92-126 John Street Aberdeen, be approved subject to a legal agreement and the following conditions:-

Reason for recommendation:-

The proposed building had been designed with due consideration for its context and would have no adverse impact on the character or amenity of the surrounding area, being of an appropriate size scale and design, with the proposed use as student accommodation considered to be acceptable within this mixed use setting. All relevant technical considerations had been resolved, or could be controlled via appropriately worded planning conditions. The proposal was therefore in accordance with Policies 1: Tackling the climate and nature crises, 2: Climate mitigation and adaptation, 3: Biodiversity, 7: Historic assets and places, 9: Brownfield, vacant and derelict land and empty buildings, 12: Zero waste, 13: Sustainable transport, 14: Design, quality and place, 15: Local living and 20-minute neighbourhoods, 16: Quality homes, 22: Flood risk and water management, 24: Digital infrastructure of National Planning Framework 4 and with Policies WB2: Air Quality, WB3: Noise. NE4: Our Water Environment, D1: Quality Placemaking, D2: Amenity, D3: Big Buildings, D4: Landscape, D6: Historic Environment, R2: Degraded and Contaminated Land, R5: Waste Management Requirements for New Development, R6: Low and Zero Carbon Buildings, and Water Efficiency, H2: Mixed Use Areas, H7: Student Accommodation Developments, I1: Infrastructure Delivery and Planning Obligations, T2: Sustainable Transport, T3: Parking and CI1: Digital Infrastructure of the Aberdeen Local Development Plan 2023.

Conditions

(01) DURATION OF PERMISSION

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21 September 2023

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

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

(02) MATERIALS

That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved, including large scale sample boards of the proposed brick and all elements cladding and window detailing, along with further details of the design features to both the bin store and office building at ground floor level has been submitted to, and approved in writing by the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason - in the interests of visual amenity.

(03) PARKING/ CYCLE PARKING AND BIN STORAGE IN ACCORDANCE WITH APPROVED PLANS

That the development hereby approved shall not be occupied unless the car parking, cycle parking and bin storage areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 12483-HFM-B1-XX-DR-A-02 010 P02 and 12483-HFM-B1-XX-DR-A-02 051 P03 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the Planning Authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason - in the interests of public safety and the free flow of traffic and to ensure that the site is adequately serviced.

(04) AIR QUALITY DUST RISK ASSESSMENT

That no development shall take place (including site stripping or service provision) unless an Air Quality (Dust) Risk Assessment for the construction phase of development has been submitted to and approved in writing by the Planning Authority. Such risk assessment shall be carried out by a suitably qualified consultant in accordance with the Institute of Air Quality Management document "Guidance on the Assessment of Dust from Demolition and Construction 2014". Thereafter development shall be carried out in accordance with the approved plan.

Reason: in order to control air pollution from dust associated with the development in accordance with Policy WB2: Air Quality of the Aberdeen Local Development Plan 2023.

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(05) DUST MANAGEMENT PLAN

That no development (including site stripping or service provision) shall take place unless a Dust Management Plan for the construction phase of development has been submitted to and approved in writing by the Planning Authority. Such management plan shall specify dust mitigation measures and controls, responsibilities, and any proposed monitoring regime. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan.

Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy WB2: Air Quality of the Aberdeen Local Development Plan 2023.

(06) NOISE IMPACT ASSESSMENT COMPLIANCE

That the development hereby approved shall not be occupied unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (Sandy Brown Limited (Reference: 23119-R01-B, Version B Date: 28 Apr 23) and evidence of this installation has been provided to, and agreed in writing by, the Planning Authority. For avoidance of doubt this should include the following:

- a) Section 7.1, table 6 and associated figure 7 regarding glazing and trickle ventilators;
- b) Section 7.3.1 regarding provision of the rooftop 3 metre high parapet wall;
- c) Section 7.3.1 regarding the number of Air Source Heat Pumps limited to 6 units.
- d) Section 7.3.3 and Compliance with the octave band centre frequency data for plant (super Low Noise Unit) WSAN-YSC4 EN, Lw (dB) contained within table 7, lining of parapet with a suitable sound absorbing material and noise levels from any ventilation louvres grilles etc associated with the proposed heating plant room should not exceed NR 50 at 3 m distance.

Once installed the mitigation measures shall be retained in perpetuity.

Reason: in the interests of amenity and to ensure compliance with Policy WB3: Noise of the Aberdeen Local Development Plan 2023.

(07) FULL FIBRE BROADBAND

That the development hereby approved shall not be occupied unless a scheme for the provision of a full fibre broadband connection to the building has been submitted to and approved in writing by the Planning Authority. Thereafter the scheme shall be

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

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implemented as approved and all rooms within the student accommodation provided with a full fibre broadband connection.

Reason – in order to provide all flats with access to high-speed communications infrastructure, in accordance with the requirements of Policy CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan 2023 and Policy 24 (Digital infrastructure) of National Planning Framework 4.

(08) LOW AND ZERO CARBON

No development shall take place unless a scheme detailing compliance with the Council's Resources for New Development Guidance has been submitted to and approved in writing by the Planning Authority. Thereafter no units shall be occupied unless the recommended measures specified within that scheme for that unit for the reduction of carbon emissions have been implemented in full.

Reason - to ensure that the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Interim Planning Advice: Resources for New Development.

(09) FLOOD RISK ASSESSMENT COMPLIANCE

That the development hereby approved shall not be occupied unless carried out in full accordance with the conclusions and recommendations set out in the approved Flood Risk Assessment (Fairhurst Reference: 152031 - FRA 02 ISS 03 Date 2nd June 2023) and evidence of this compliance has been provided to, and agreed in writing by, the Planning Authority.

Reason: to ensure that the site can be adequately drained and to ensure that the site is not susceptible to flooding.

(10) GREEN TRAVEL PLAN

That the development hereby approved shall not be occupied unless there has been submitted to and approved in writing by the Planning Authority a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets.

Reason - in order to encourage more sustainable forms of travel to the development.

(11) STUDENT MANAGEMENT PLAN

That prior to the occupation of the development hereby approved, a student management plan shall be submitted to and approved in writing by the Planning Authority and the use shall be undertaken in accordance with the details so approved and shall be so

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maintained. The management plan shall include details on health and safety standards and procedures; maintenance and repairs; environmental quality; landlord and tenant relationship; student welfare; anti-social behaviour and disciplinary procedures; and administration and compliance procedures.

Reason - To ensure a satisfactory standard of accommodation is provided and in the interests of the amenity of the area.

(12) GEO ENVIRONMENTAL ASSESSMENT

Prior to the commencement of the development hereby approved, a Geo-Environmental Assessment, which follows the conclusions and recommendations of the submitted Desk Top Survey (Ref: 152031 01), shall be submitted to and approved by the Planning Authority. For avoidance of doubt, the survey shall also include an assessment on human health risks.

Reasons – to ensure that the site remains suitable for human occupation.

(13) BUS STOP UPGRADES

That prior to the occupation of the student accommodation hereby approved, details of bus stop upgrades to the existing facilities on John Street shall be submitted to and approved in writing by the Planning Authority. Prior to the discharge of this condition, confirmation shall be sought from the Council's Public Transportation Unit that such upgrades are acceptable, or are not required. Thereafter the agreed works shall be implemented in accordance with an approved scheme and implemented prior to occupation.

Reason: to ensure that the development would have access to more sustainable modes of transportation.

The Committee heard from Gavin Clark, Senior Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee resolved:-

to approve the application conditionally, subject to a legal agreement and the following changes:-

- Amendment to the reason for approval to remove reference to Policy H2 (Mixed Use Areas) and add reference to Policy H1 (Residential Areas).
- Condition 11 amended to read:-

That prior to the occupation of the development hereby approved, a student management plan shall be submitted to and approved in writing by the Planning Authority and the use shall be undertaken in accordance with the details so approved

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and shall be so maintained. The management plan shall include details on health and safety standards and procedures; maintenance and repairs; environmental quality; landlord and tenant relationship; parking arrangements including term time drop offs and deliveries, student welfare; anti-social behaviour and disciplinary procedures; and administration and compliance procedures.

Reason - To ensure a satisfactory standard of accommodation is provided and in the interests of the amenity of the area.

- Additional informative added as follows:-

That the applicant should consider inclusive design and ensure that the development would allow for accessible accommodation, in particular the proposed bedrooms and associated spaces at ground floor level and into the communal areas within the development.

- **Councillor Ciaran McRae, Convener**

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	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3	02 November 2023								
4	Committee Annual Effectiveness Report	To report on the annual effectiveness for the period 14 October 2022 to 14 October 2023.	on agenda	Lynsey McBain	Governance	Commissioning	GD8.5		
5	Former Cults Railway Station Station Road Cults - 230772	To approve or refuse the application for change of use from class 4 (business) to class 1A (shops and financial professional and other services) and class 3 (food and drink) with covered outdoor seating area including demolition of existing lean-to extension and erection of single storey extension; alterations to a shop front; re-cladding; installation of doors, rooflights and roof repairs with associated car parking and other associated works	on agenda	Gavin Clark	Strategic Place Planning	Place	1		
6	Former Cults Station, Station Road, Cults - 230922	To approve or refuse the application for retention of takeaway food kiosk and outdoor seating area with decking including change of use (temporary for 12 months)	on agenda	Gavin Clark	Strategic Place Planning	Place	1		
7	Flat H, 287 King Street Aberdeen - 231064	To approve or refuse the application for change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people	on agenda	Samuel Smith	Strategic Place Planning	Place	1		
8	178 George Street - 230972	To approve or refuse the application for change of use from betting shop to adult gaming centre	on agenda	Alex Ferguson	Strategic Place Planning	Place	1		

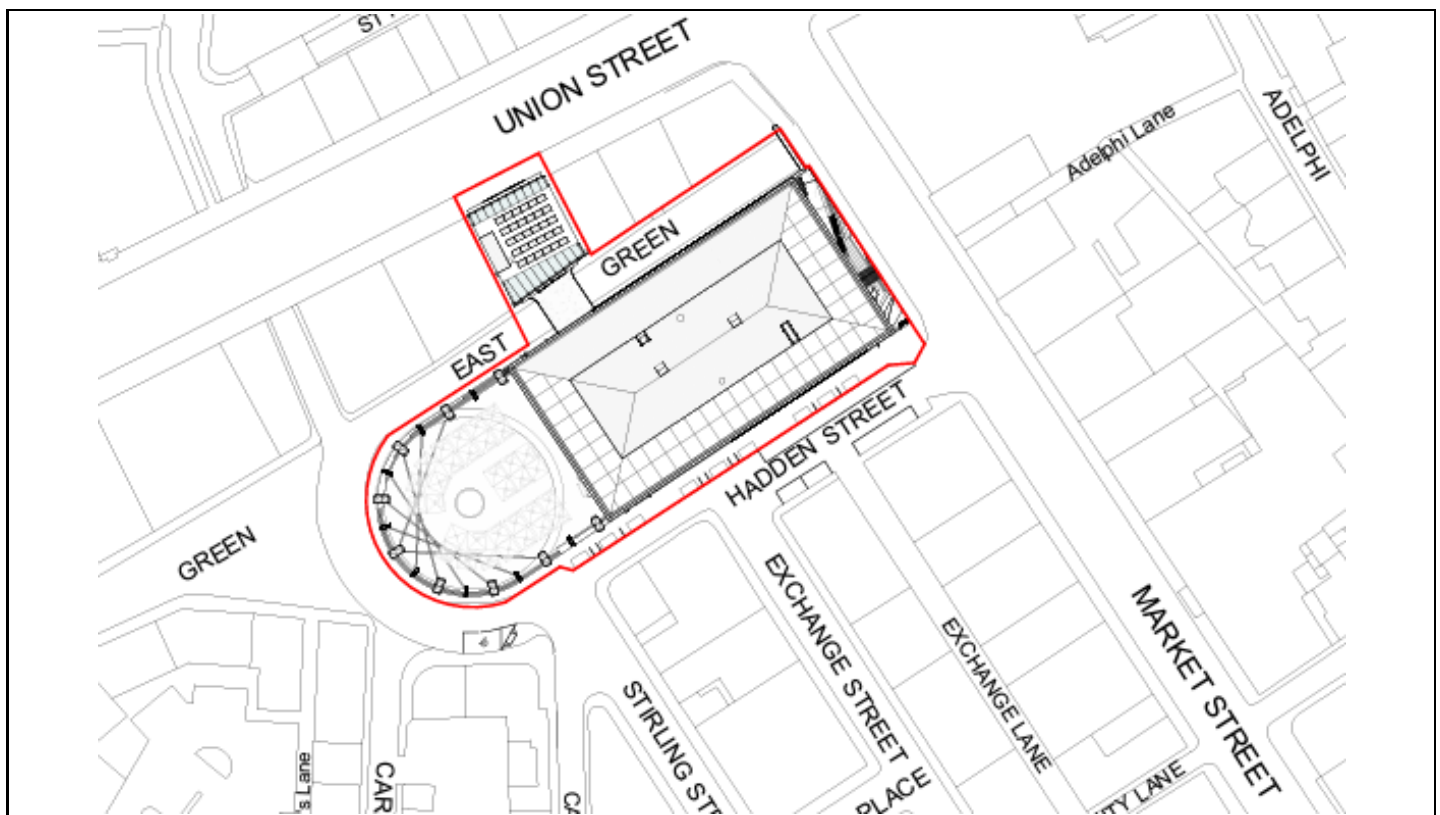
	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
9	Former Banks o'Dee Nursing Home, Abbotswell Road - 230685	To approve or refuse the application for conversion to 24 affordable flats, installation of replacement windows and doors, cladding, alterations to car park and garden ground	on agenda	Alex Ferguson	Strategic Place Planning	Place	1		
10	Former Aberdeen Market And 91-93 Union Street - 230704	To approve or refuse the application for Replacement of Aberdeen Market (including redevelopment of 91-93 Union Street) with mixed use development including retail (class 1A), food and drink (class 3), leisure (class 11), and landscaping / public open space including proposed pedestrian link from Union Street to the Green, and associated works	on agenda	Matthew Easton	Strategic Place Planning	Place	1		
11	Victoria House, 259 Union Street - 230246	To approve or refuse the application for change of use from office to student accommodation (sui generis) including refurbishment and replacement of windows, alterations of vents and associated works	on agenda	Laura Robertson	Strategic Place Planning	Place	1		
12	360 North Deeside Road - 230251	To approve or refuse the application for erection of 2 storey detached dwelling house with garage and associated works	on agenda	Dineke Brasier	Strategic Place Planning	Place	1		
13	Rear of 12-14 Broomhill Road - 230550	To approve or refuse the application for change of use from amenity land to class 4 (business) including installation of fence and roller shutter doors associated with 16 Broomhill Road (part retrospective)	on agenda	Aoife Murphy	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
14	Persley Castle Care Home, Mugiemoos Road - 230351	To approve or refuse the application for lowering of sills and installation of windows - 230251	on agenda	Samuel Smith	Strategic Place Planning	Place	1		
15	Energy Transition Zone - public consultation	At the meeting on 29 June 2023, it was agreed (a) to approve the content of the draft ETZ Masterplan (Appendix 1); (b) instructs the Chief Officer – Strategic Place Planning to, subject to any minor drafting changes, publish the draft ETZ Masterplan for a six week period of non statutory public consultation; and (c) to instruct the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed revisions to the draft ETZ Masterplan to a subsequent Planning Development Management Committee within the next six months.		Laura Robertson	Strategic Place Planning		4 and 5	T	Following the decision at the meeting on 21 September 2023, this will now be reported to Full Council.
16			07 December 2023						
17	Procedure for Representations	At the meeting of PDMC on 3 November 2022, a new draft procedure was agreed for allowing representations to speak at Committee. It was agreed to instruct the Chief Officer – Strategic Place Planning to report back to the Committee on the effectiveness of the Procedure by December 2023.		Alan Thomson	Strategic Place Planning	Place	5		
18	Land At Greenferns Sites OP28 & OP33	To approve or refuse the application for Residential-led, mixed use development comprising approximately 1,650 homes, employment use, a neighbourhood centre comprising local retail and commercial provision, leisure and community uses and associated infrastructure including new and upgraded access roads, landscaping, open space and engineering works		Gavin Clark	Strategic Place Planning	Place	1		
19			Future applications to PDMC (date of meeting yet to be finalised.						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
20	Summerhill Church Stronsay Drive - 220990	To approve or refuse the application for redevelopment of church and manse site for residential development (14 dwellings)		Lucy Greene	Strategic Place Planning	Place	1		
21	56 Park Road - 221074	To approve or refuse the application for the erection of 30 flats		Robert Forbes	Strategic Place Planning	Place	1		
22	Woodend - Culter House Road - 210889	To approve or refuse the application for erection of 19no. self-build dwelling houses with associated landscaping, access and infrastructure		Dineke Brasier	Strategic Place Planning	Place	1		
23	Rosehill House, Ashgrove Rd West - 230414	To approve or refuse the application for McDonald's Restaurant with drive thru		Lucy Greene	Strategic Place Planning	Place	1		
24	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1		
25	Aberdeen Grammar School FP's Club, 86 Queens Road - 211806	To approve or refuse the application for erection of 3no. villas, 4no. apartments and 2no. maisonette apartments with associated works		Jane Forbes	Strategic Place Planning	Place	1		
26	26 Rubislaw Den North - 230665	To approve or refuse the application for erection of single storey extension, window replacement to rear; and installation of two new gates to front		Rebecca Kerr	Strategic Place Planning	Place	1		
27	Land at Persley Croft, Parkway - 231134	To approve or refuse the application for Battery energy storage system (BESS) development with a capacity up to 49.9MW including erection of welfare unit, substation and fencing; demolition of an existing buildings and associated Infrastructure		Matthew Easton	Strategic Place Planning	Place	1		
28	Unit B, Station Road, Cults - 231056	To approve or refuse the application for change of use from class 4 (business) to class 1A (shops and financial professional and other services)		Dineke Brasier	Strategic Place Planning	Place	1		

 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 2 November 2023

Site Address:	Site of the former Aberdeen Market and 91-93 Union Street, Aberdeen, AB11 5PA
Application Description:	Replacement of Aberdeen Market (including redevelopment of 91-93 Union Street) with mixed use development including retail (class 1A), food and drink (class 3), leisure (class 11), and landscaping / public open space including proposed pedestrian link from Union Street to The Green, and associated works
Application Ref:	230704/DPP
Application Type	Detailed Planning Permission
Application Date:	14 June 2023
Applicant:	Aberdeen City Council
Ward:	George Street/Harbour
Community Council:	City Centre
Case Officer:	Matthew Easton



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application relates to the site of the former Aberdeen Indoor Market and British Home Stores (BHS) building, which is situated in the city centre between Market Street, Hadden Street, The Green and Union Street.

The site comprises two elements, the main site (0.30 hectares) upon which the Aberdeen Indoor Market was located and the smaller site (0.02 hectares) at 91-93 Union Street, which accommodated the entrance to the BHS shop from Union Street. A link bridge at the rear of and forming part of the building, which crossed East Green, connected the two elements.

The part of the building occupied by BHS became vacant in August 2016, with the rest becoming vacant in June 2020. The building was demolished in 2022 with the main part of the site now cleared. The two link structures which connected the market building across East Green to the BHS building on Union Street have also been removed, with parts of the concrete frame remaining.

The site is within the City Centre Conservation Area. Several buildings in the vicinity are listed, predominately category C and some category B.

Relevant Planning History

- Detailed planning permission (190312/DPP) for the demolition of the buildings which previously stood on the site and its redevelopment to form a mixed-use office-led development, landscaping, public realm, car parking and associated works, was approved by the Planning Development Management Committee in October 2020. This permission has not been implemented and expires in October 2025.
- Detailed planning permission (211517/DPP) was granted by delegated powers in May 2022 for the replacement of Aberdeen Indoor Market (including redevelopment of 91-93 Union Street) with mixed use development including retail (class 1), food and drink (class 3), leisure (class 11), sui generis (micro-brewery/public house) and landscaping/public open space including proposed pedestrian link from Union Street to The Green, and associated works. This permission has not been implemented and expires in May 2025.
- A conservation area consent (211176/CAC) for the demolition of the market building was approved in December 2021. Demolition commenced in March 2022 and was completed later in the year.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for construction of a two-storey mixed-use development containing an indoor market and food hall. It is envisaged as a flexible space which would comprise use class 1A (shops, financial, professional, and other services), class 3 (food and drink) and class 11 (assembly and leisure).

The proposed development would be divided into two buildings. The first is the two-storey main building accommodating the indoor market and food hall, which would be located on the eastern

part of the of the site of the former Aberdeen Indoor Market, adjacent to Market Street and Hadden Street. The second is a new entrance building at 91-93 Union Street, on the site of the former BHS building. An open bridge across East Green would be formed between the two buildings, providing a pedestrian route between Union Street and The Green area, through the buildings. The third element of the development is an external space which would occupy the western end of the site.

The proposal represents an evolution of the development approved in May 2022 under planning permission 211517/DPP. The applicant advises that after feedback from the public and engagement with the preferred operator of the development, further scheme refinement has been undertaken, resulting in the current application. The main changes between the two applications are summarised below –

- The large canopy covering the outdoor market area at The Green has been removed. Consequential alterations, have been made to the elevation of the building which would face The Green, including the introduction of a curved façade to The Green.
- The Market Street elevation has been altered to increase the amount of public realm and improve accessibility to the building.
- The 91-93 Union Street building would no longer contain a small retail unit at ground floor or other floor space at upper levels, it would continue to function as a route between Union Street and the Market building.
- The remaining concrete frame at 91-93 Union Street would now be removed, with the design of the glazed elevation revised and internal louvres no longer proposed.
- The internal layout of the market building has been refined as the design has progressed.
- The escalators and lifts are now fully within the building so that they would be protected from the weather year-round.

The redevelopment of the site is identified as a key project within the Council's City Centre Masterplan ("CCMP"). In combination with the proposals which are subject of this planning application, the Council are progressing a separate CCMP street-works project to enhance the public realm in surrounding area, known as 'The Market to Guild Street Phase One'. These works do not form part of this planning application. A full business case for the street-works project was agreed by Council in December 2022 and detailed design work is currently progressing.

Main Building

The new indoor market would be located within the upper level of the main building, with level access from Union Street (via an open bridge) and Market Street. It would contain be a range of small retail spaces, suited to single independent traders, together with space for occasional stalls. Also at the upper level would be a coffee shop & bar, with seating available indoors and on an external terrace which would overlook the new external space and The Green. A large central floor void between the upper and lower floors would provide a visual link between the two, with escalators and two lifts allowing for circulation.

The lower floor would accommodate a food hall, with ten kitchen units and a bar, surrounding a central seating area. The use of the space is envisaged as being flexible and would include a stage which could support a range of events. Sliding/folding doors would provide level access into a new external public realm space and allow for activity to spill outside. Back-of-house areas and

an internal service-bay for small vehicles would also be accommodated within the lower level, with vehicle access provided from East Green.

The exterior of the main building would have a contemporary appearance, being formed as a lightweight translucent glass structure with oversailing feature roof, extending into a projecting canopy over the public entrance space at Market Street and over the terrace facing The Green. The lower level facing The Green would take the form of a curved façade, formed from heavier architectural precast piers with glazing and sliding/folding doors between, to contrast with the lighter elements above.

The building would be finished in a range of materials, predominately a curtain wall glazing system with glass spandrel panels and vision panels, with a custom ceramic frit design (a process by which a glass enamel pattern is fused on the glass surface). Areas of granite rainscreen cladding, standard curtain wall glazing, and an aluminium panel pitched roof with plant-well would also feature.

91-93 Union Street

It is proposed to remove the concrete frame of the former BHS building at 91-93 Union Street but retain the concrete floor slab. A new building would be constructed which would have a single space within, covering the equivalent of the four-storey height of the building. The building would provide a pedestrian route from Union Street, across an open bridge into the new market building. The Union Street elevation would follow the existing building line and fenestration of the buildings along Union Street and would be finished in curtain wall glazing system, which would feature a geometric fritted design to articulate a five-bay façade, with areas of translucent and clear glass. The frit pattern on the glass would appear more solid in the day, and then more transparent at night when it is illuminated from behind by the internal light of the building.

External Public Realm Space

A new external public realm space would be created in the western remainder of the site. Feature totems in architectural metalwork and ornamental planting would define the edge of the space which would follow the curved boundary of the site with Hadden Street, The Green and East Green. This would allow free-flow access into the space between the totems and planting. The external space would include seating associated with the food hall and would provide the opportunity to host a wide selection of seasonal temporary markets and events.

6 Market Street

The granite shopfront at 6 Market Street which was removed at the time of demolition, would be rebuilt so that it could function as archways providing views between Market Street and East Green below.

Amendments

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

- Design of the Union Street elevation amended.
- Minor adjustments to internal layout.
- External TV screen removed from proposal.
- Adjustments to roof of 91-91 Union Street.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RVXTL3BZKBT00>

- Design and Access Statement
- Drainage Assessment
- Flood Risk Statement
- Geo-Environmental Desktop Study Report
- Heritage Statement
- Key Images
- Massing Studies
- Renewables and Low Zero Carbon Option Appraisal
- Transport Assessment
- Wind Comfort Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because six or more representations objecting to the proposals have been made.

CONSULTATIONS

ACC - Contaminated Land Team – The existing building has now been demolished and it is requested that evidence of appropriate asbestos survey and removal is provided to demonstrate that demolition works have not resulted in contamination of the site. The service looks forward to receiving the results of the post demolition, geo-environmental intrusive site investigation in due course.

ACC – Developer Obligations – Comparing the proposals to the previous application it is noted that there is a reduction in floor area, resulting in increased provision of outdoor open space as well as the improved linkages on and between Core Paths 102 (The Green) and 96 (Anderson Drive to Castlegate via Union Street). The revised proposals do not require any further additional mitigation in the form of contributions. This is on the basis that the development would be delivered as an enhancement to the core path linkages between Guild Street and Union Street through The Green and would provide enhanced open space compared to the previous proposals and what was historically on this now vacant site.

ACC - Environmental Health –

Odour Control – The premises does not appear to have a suitable commercial Local Extract Ventilation (LEV) system(s), which is considered necessary for removal and capture of cooking emissions to control odour and for food hygiene purposes. Currently the premises are therefore considered unsuitable for unrestricted class 3 (food and drink) uses due to non-compliance with relevant guidance, namely, the EMAQ guidance document 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems' with the risk of an adverse odour impact on neighbours and the vicinity.

Should the applicants opt for the installation of a suitable commercial LEV system to ensure the facility is capable of undertaking cooking activities, this service would request a suitable Odour

Impact Assessment (including a LEV needs assessment) by a competent person, in line with relevant guidance for example, the EMAQ guidance document 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (or equivalent as suitably demonstrated) and associated references. Details of this assessment must be submitted for review, in the form of a suitable report to the satisfaction of the Environmental Health Service.

Environmental Noise Control – There are residential properties in the vicinity of the premises. Likely noise emissions from the development would include but are not limited to noise from any fixed plant, including any necessary LEV plant. An appropriate noise assessment by a suitably qualified noise consultant to predict the impacts of proposed noise sources on sensitive receptors and the necessary control measures is required.

These two matters can be addressed by the application of conditions.

ACC - Roads Development Management Team –

Walking and Cycling – Given the city centre location, both pedestrian and cycling accessibility is very good and sustainable. The site is surrounded by an existing network of adopted footpaths with safe and designated crossing facilities.

The new pedestrian route and entrance at ground level from Union Street into the new market, would allow the site to be readily accessible from all sides of the site. In this regard it is considered the site is highly accessible by foot around the city centre and the wider areas of the city.

There are shared bus and cycle lanes and 'National Cycle Route 1' which crosses the city centre, with both tying in with numerous other designated cycle routes across the city.

Public Transport – Any site should be within 400m of public transport provision, to encourage use of sustainable travel. Therefore, in this regard it is confirmed that given its city centre location it is readily accessible to multiple bus services on Union Street connecting across the city. Furthermore, the site lies within 400m of Aberdeen's local bus and train station, located to the south-west of the site.

Parking – The site is located in the city centre and lies within Controlled Parking Zone F. The proposal does not include any on-site parking provision, which is the same as the previously approved application. As the site lies within the heart of the city centre, is readily accessible to sustainable travel options as well as numerous public car parks, no on-site parking provision is considered acceptable and in accordance with council policies.

The initial proposal included the provision of one new disabled parking bay and two spaces indicated for Car Club / electric vehicle charging provision. The Car Club provision has been removed as such provision would not benefit the users of the site given the car would be subject to a two-way trips. If ACC were minded to provide a car club close to the site to serve local residents in future this could come as part of wider City Centre Masterplan street works.

New cycle stands shall be subject by surrounding street works project being undertaken by ACC. A suitable condition shall also be attached in this regard.

The location of staff cycle parking provision which is to be located within lower ground service area is acceptable. However, the volume of this remains unclear, if it is only six spaces provided or six spaces per 75 staff members, the provision of only six spaces seems too low and an increased

provision is sought. This requires to be updated or a suitably worded condition for an increased provision attached to and approval.

Furthermore, it is noted the site proposes the provision of three service vehicle spaces within the lower ground of the building.

Development Vehicle Access and Servicing – Access to the site is from Hadden Street at its junction with Market Street to the east and Guild Street to the south. However, given the site's general accessibility, proximity to sustainable transport means, lack of parking provision, it is envisaged car dependency of the site would greatly be reduced.

This leads to the confirmation that the single vehicular access proposed shall only be utilised for vehicles servicing the site. However, given the site is to include retail and eateries, it is sought for clarification if this proposed service area is to serve delivery vehicles also? If not, where do they propose to undertake this? A condition is required to be attached similar to that of the previous approved application.

The vehicular access to the site is located on the north side of the building and vehicles shall require to gain access via Hadden Street and then through East Green, which was the same as the previous application and original building. This also included vehicles requiring reversing upon the public road but given the proposal includes an internal service area, which would allow internal turning to allow access/egress in a forward gear, this is considered a betterment in terms of safety.

It is requested that the applicant provide further details on size of vehicles to be utilised and swept path analysis of such manoeuvres (including internal turning) in order to confirm this is acceptable.

Local Road Network – It is evidenced within the transport assessment that the proposed development would result in less traffic than that associated with the previously approved planning permission for an office development in 2009. It is confirmed that the proposal would create no notable impact or trips on the local road network, lending itself to be best visited by sustainable transport methods given the location of the site, therefore no mitigation is required.

Travel Plan Framework – The Transport Assessment (TA) provides an appropriate framework to create a successful Travel Plan, which outlines overarching aims/objectives and is considered acceptable.

Drainage – The Drainage Impact Assessment which is acceptable.

Archaeology Service (Aberdeenshire Council) – The detailed historical assessment contained within the Heritage Statement complements the Desk-Based Assessment previously completed in 2021 for this site. Both provide evidence of the archaeological potential of the site and its immediate vicinity given the location of the site within the medieval historic core of the city. The Heritage Statement in this instance has solely focused on setting impact considerations, with the below-ground archaeological implications not included. Following on from the initial discussions held in 2018 regarding the archaeological potential of the site, and the high potential for pockets of surviving archaeological material under the footprint of the former market building, it is recommended that should the application be approved a condition is applied requiring implementation of the programme of archaeological works.

City Centre Community Council – No response.

Police Scotland – No response.

Scottish Water – There is no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. This proposed development would be fed from Invercanie Water Treatment Works. There is currently sufficient capacity for a foul only connection in the Nigg Waste Water Treatment works. The applicant should be aware that Scottish Water are unable to reserve capacity at water and/or waste water treatment works for proposed developments. Once a formal connection application is submitted to Scottish Water and after full planning permission has been granted, Scottish Water will review the availability of capacity at that time and advise the applicant accordingly.

REPRESENTATIONS

Seven representations have been received, including from Aberdeen Civic Society and the North East Group of the Architectural Heritage Society of Scotland. The matters raised can be summarised as follows –

General Concept

1. The reduction in size is an improvement on the existing approved development.
2. Having seen the space opened up when the former Aberdeen Market was demolished; The Green should be left as an open space with pop up shops and cafes etc. A civic square on a human scale, as it was in the not too recent past. The visuals show the outdoor event space is far too cramped, but empty and forbidding when there is no event taking place.
3. The proposed activities appear to involve consumption of food and drink in an "international market", creating an all year round, corporately run "Christmas market". The demand is now for something more local for example the West End Farmers' market. The concept of an indoor shopping centre is outdated, as there is no longer a demand for retail as we used to know it, dominated by national chains. The idea of retail space in Union Street has been discredited with the recognition that any retail must be quite different from that in the recent past and that spaces in the street should be devoted to alternative uses.
4. Access through the building between Union Street and The Green should be available 24 hours a day. It appears to be a wasted opportunity if the access is closed at times of the day when business is not taking place.

General Design

5. The design concept of the building does not seem to have any relation to the Aberdeen city centre architecturally or otherwise, being based on buildings elsewhere. The design is inappropriate and disrespectful of Aberdeen's unique built heritage. The design should respect the local building tradition, both in architectural style and choice of materials, with a distinctly Aberdonian and Scottish flavour.
6. Guidance stipulates that the design of a building in non-granite materials in areas where granite predominates must be exceptional. This one is not. The material choices have no apparent relation to the adjacent buildings (or those in the immediate vicinity) on Union Street, north Market Street or The Green.
8. The massing, use of unsuitable materials (e.g., zinc), and blandness is too great a contrast with the surrounding buildings. The development is brutal with no humanity.

9. Concern that the openness of the walkway between the Union Street building and the main market building could discourage people from using it due to visibility from below.

Union Street Elevation

10. The Union Street façade makes no effort to address the facades of adjacent buildings. It is bland and breaks rhythm of the street. What is proposed will in effect be a glazed void in the block and will run counter to ACC's own conservation area policies for Union Street. It was hoped that the new building would restore the uniformity lost when the BHS store was built. There is nothing distinctly Aberdonian or 'Granite Mile' about the use of glass and metal and using them would inhibit the unifying effect of the use of granite on Union Street noted within the City Centre Conservation Area Appraisal.
11. The retained concrete structure of the BHS store in the earlier design has disappeared from the current proposal. This is disappointing, as it would have signalled a commitment to using embodied carbon in buildings to meet net zero targets.

Market Street Elevation

12. The facade to Market Street, could have been based on Archibald Simpson's lost Market Hall masterpiece.
13. The Market Street entrance shown may have been intended to be dramatic, but it is too stark and is too big a contrast with the adjoining buildings.
14. What is the point of a "public space" on a street plagued by a large amount of road traffic?

Hadden Street Elevation

15. The south elevation also contrast with the rhythm of streetscape is too much and too stark because of the large amount of glass.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)
- Policy 24 (Digital Infrastructure)
- Policy 27 (City, Town, Local and Commercial Centres)
- Policy 28 (Retail)
- Policy 31 (Culture and Creativity)

Aberdeen Local Development Plan (2023)

The following policies are relevant –

- Policy C11 (Digital Infrastructure)
- Policy D1 (Quality Placemaking)
- Policy D5 (Landscape Design)
- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE4 (Our Water Environment)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC1 (Vibrant City)
- Policy VC4 (City Centre and Retail Core)

The site identified by the ALDP as –

- being within the City Centre Retail Core.
- being within Opportunity Site OP110 (Heart of the City – City Centre Masterplan Intervention Area). This OP site includes *“redevelopment of Aberdeen Indoor Market for appropriate uses such as use class 1 (Retail), use class 3 (Food and Drink), and use class 11 (Assembly and Leisure), use class 6 (Houses) (sic), and use class 7 (Hotels and Hostels)”*.

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Flooding, Drainage and Water Quality
- Harmony of Uses
- Materials
- Noise
- Resources for New Development
- Transport and Accessibility
- Waste Management Requirements for New Developments

Other Material Considerations

- City Centre Masterplan (2015) – Project CM06: Aberdeen Indoor Market
- City Centre Masterplan Review (2021) – 12.9 (Aberdeen Market)
- City Centre and Beach Masterplan (2022) – 6.2.2 (Aberdeen Market)
- City Centre Conservation Area Appraisal

EVALUATION

Principle of Development

City Centre Policy

Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (“NPF4”) seeks to encourage, promote, and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental, and societal changes, and by encouraging town centre living. It aims to achieve centres that are vibrant, healthy, creative, enterprising, accessible, and resilient places for people to live, learn, work, enjoy and visit. It goes on to say that development proposals that enhance and improve the vitality and viability of city centres, including proposals that increase the mix of uses, will be supported. Similarly, Policy VC1 (The Vibrant City) of the Aberdeen Local Development Plan (“ALDP”) indicates that proposals for new development in the city centre, which support its vibrancy and vitality throughout the day and/or into the evening will be supported in principle.

The ALDP envisages the city centre as “a place where people can actively interact with one another; where shopping, working, living, sharing, playing and learning can co-exist while also allowing people to spend time in attractive, social, safe, and well-connected spaces. To ensure this happens, the introduction of a broader mix of uses to the city centre, alongside public realm and environmental improvements, should be considered to increase social interaction and bridge the gap between the day and evening economy by encouraging people to dwell for longer outwith traditional office or shopping hours. Creating a link between people and place encourages ownership and stewardship.”

The proposed market development represents a significant investment which seeks to regenerate part of the city centre by creating a new destination for residents and visitors to the city. A mix of uses is proposed which reflects the change in how city centres are used and the activities that take place within them. It would provide high quality space which would be flexible in its use and would allow for a range of activities to take place, both during the day and into the evening. It is

anticipated that it would increase footfall in the area, to the benefit of surrounding uses and the wider city centre, enhancing its vibrancy and its long-term viability. On that basis it is considered that the proposal is consistent with the ambition to promote resilient and vibrant city centres as expressed in Policy 27 of NPF4 and Policy VC1 of the ALDP.

Town Centre First Approach

Policy 27 (City, Town, Local and Commercial Centres) and Policy 28 (Retail) of NPF4 both require proposals to adhere to the Town Centre First approach to locating development (known previously as the 'sequential test'). This approach specifies that developments which generate significant footfall, including retail, commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces will be supported in existing city, town, and local centres, whereas those that are proposed elsewhere must demonstrate that they are acceptable in terms of their impact on city, town, local and commercial centres. These principles are also reflected by Policy VC4 (City Centre and Retail Core) of the ALDP, which states that the city centre is the preferred location for all retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development serving a city-wide or regional market.

The proposal is one which is covered by the Town Centre First principle. By virtue of being located within the City Centre Retail Core, the proposal is compliant with this aspect of Policy 27 (City, Town, Local and Commercial Centres) & Policy 28 (Retail) of NPF4 and Policy VC4 (City Centre and Retail Core) of the ALDP.

In summary, the proposal is consistent with the vision and planning policy for city centres contained within NPF4 and the ALDP.

City Centre Masterplan

Policy VC4 (City Centre and Retail Core) of the ALDP also requires that development within the city centre must contribute towards the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan ("CCMP").

In turn, the CCMP describes how the range of projects within the CCMP linked to economy, environment and infrastructure aim to enhance the attractiveness and viability of the city centre core centred on Union Street, St. Nicholas, and the Merchant Quarter. In relation to the application site more specifically, the CCMP identifies the Aberdeen Indoor Market, St. Nicholas Centre, Trinity Centre, and Union Street as opportunities to create stronger complementary nodes that piece together a higher quality retail circuit, not only in terms of overall retail provision, but through an enhanced experience in terms of the diversity of retail (e.g., independent retailers), other complementary uses (e.g., food and drink) and improved public realm.

The CCMP considers the redevelopment of the Aberdeen Indoor Market site as a key outcome of the masterplan, which is emphasised by the identification of Project CM06 (Aberdeen Indoor Market). The CCMP considers the site to present a significant opportunity to introduce a mix of uses including retail that better addresses The Green and enhances the overall vibrancy and attractiveness of the area, including other uses such as residential.

The CCMP was reviewed in 2021 with the City Centre and Beach Masterplan being agreed by Council in August 2022. It expands on the concept of the market development and describes the ambition for it to be a *"destination venue and new attraction in the heart of the city centre featuring an international-style food and drink outlet promoting local produce and goods alongside continental style delicatessens and cafés. A key element of the new Market building will be to*

improve connectivity and accessibility between Union Street and the bus and rail stations at Union Square. Frontage will be created on Union Street and will incorporate the infrastructure and streetscape works programme. The design will feature a mixture of fixed indoor units of various sizes alongside event space for temporary and pop-up facilities allowing for increased variety and flexible to seasonal requirements. An external, multi-use event space would be provided to welcome different activities and uses at different times of the year. The overall development will provide opportunities to develop and grow local businesses, particularly within the key food and drink sector.”

In considering the proposal against the aspirations of the CCMP, the use classes applied for, covering retail; food and drink; and assembly and leisure, all provide the opportunity to support a mix of leisure and cultural activities. It is understood that the operator’s events plan for the development would envisage a wide range of activities taking place, including community events, comedy, live music, and DJs. Key cultural and occasional sporting events would also be shown in the external space. It is also envisaged that the indoor space could be reconfigured at quieter times during the day for wellbeing or community events.

The planning service is therefore satisfied that the range of uses proposed covers those envisaged by the CCMP and would ensure that a wide variety of tenants and activities could occupy the premises within the scope of any planning permission granted. The proposal is also lent support from Policy 31 (Culture and Creativity) of NPF4, which seeks to encourage, promote, and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

Whilst the range of uses proposed is welcomed, Class 11 (Assembly and Leisure) is a wide-ranging use class and allows “for use as (a) a cinema; (b) a concert hall; (c) a bingo hall or casino; (d) a dance hall or discotheque; or (e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreation, not involving motorised vehicles or firearms.” Given that a discotheque (nightclub) would typically only be open during the late evening and early morning, it is not considered an appropriate use within a development which aims to increase daytime and evening activity within the area. Similarly, a casino is typically open in the evenings and throughout the night. Therefore, a condition has been attached limiting the consent to the other uses within class 11, which are more likely to provide an active frontage and activity during the daytime, contributing to the vitality and viability of the city centre.

It has been expressed through representations that there is a desire to avoid the creation of an ‘indoor shopping centre’ with chain stores and that what is offered must be different from existing retail provision, instead focussing on local businesses. In response, the planning authority cannot specify whether occupiers of the development are local or national businesses, or for example control whether goods sold are what might be considered artisanal, rather than mass produced. However, it is evident from the submitted proposals that the intentions of the Council as applicant and its appointed operator align with the aspirations of CCMP and it is considered that the proposals provide a significant opportunity to enhance the offering within the city centre (*issue #4 in representations*).

In summary, the proposal would create a new destination within the city centre which would be a focus of activity during daytime and evening. The proposal would contribute to the high-level vision of the CCMP and therefore be compliant with Policy VC1 and Policy VC4.

Other Matters Relating to the Principle of Development

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 indicates that development proposals that will result in the sustainable reuse of brownfield land including vacant

and derelict land and buildings, whether permanent or temporary, will be supported. The site is vacant and therefore its redevelopment is supported by Policy 9.

The principle of the development is also lent support by the existence of planning permission 211517/DPP granted in May 2022. The concept of the development and design of the building bares strong similarities with what is now proposed and is essentially an amended version of that already approved. Notwithstanding, since that application was approved, the planning policy context has changed, with the adoption of National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

The view has been expressed in representations that a building should not be built on the site, rather the entire site should be left as open space used for temporary pop-up shops and cafes. However, such an approach would be a missed opportunity to realise the benefits which the proposal could bring and would also be inconsistent with the aspirations of the ALDP and the CCMP. It should be borne in mind that the planning authority when considering a planning application must consider the proposal before it, the proposal's conformity with planning policy and other material considerations, rather than any alternative hypothetical project (*issue #2 in representations*).

Layout, Design and Contribution to City Centre and Public Realm

Policy 14 (Design, Quality and Place) of NPF4 encourages, promotes, and facilitates well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Similarly, Policy D1 (Quality Placemaking) of the ALDP requires that all development must ensure high standards of design, create sustainable and successful places, and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

The site is located within the City centre Conservation Area and is surrounded by several listed buildings and therefore built heritage policies are also relevant. Policy 7 (Historic Assets and Places) of NPF4 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. It goes on to say that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the architectural and historic character of the area; existing density, built form and layout; and context and siting, quality of design and suitable materials. Policy D6 (Historic Environment) of the ALDP indicates that development must protect, preserve, and enhance Aberdeen's historic environment, including its historic fabric. These policies align with the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The CCMP seeks the redevelopment of the market to be replaced by a more contextually appropriate development of buildings and spaces. Key design criteria identified by the CCMP includes enhanced active frontages on Union Street, Market Street, Hadden Street and The Green; continued retail use at Union Street level; and a mix of retail, food and drink and leisure uses at Hadden Street level.

External Public Realm Space

The most significant change between the previously approved application and this proposal is the provision of a fully external area of public realm space which would occupy the western part of the site. It would comprise an open hard landscaped area, around 40m x 33m in a horse-shoe shape, following the curve of Hadden Street, The Green and East Green. As a comparison, the Castlegate is generally 85m x 43m and the main area of public space outside M&S on St Nicholas

Street is 31m x 26m. Being located where Correction Wynd, The Green, East Green, Carmelite Street, Carmelite Lane, Stirling Street and Hadden Street converge, it would represent a focal point for the area and extension of the open space which already exists in The Green. Architectural totems and ornamental planting would be positioned at intervals around the perimeter of the space to delineate it and to allow free flow pedestrian access between them and through the space as a whole. They would also be visible from the surrounding streets, acting as way-finding markers for those approaching the space.

The glazed west elevation of the new building would address the space and provide a live frontage, allowing for interaction between inside and outside activities, such as outdoor seating for the food hall. The space would form a new area of public realm within the city centre which would provide the opportunity to host a wide selection of seasonal pop-up markets and events, not only in the space itself but in conjunction with the wider public space within The Green.

The street layout of the area would not be altered by the new development. The curved form of the previous Aberdeen Indoor Market built in the 1970s, replicated the curve of the original building from the 1840s and so reflected the historic character of this part of The Green. The new development would also replicate this characteristic, with the edge of the external space identified by the totems and ornamental planting around the perimeter, following the curve of the previous building lines and the surrounding streets.

Concern is expressed in representations that the outdoor event space would be too cramped, but empty and forbidding when no events are taking place. In response, the visualisations of the external space submitted as part of the application show a range of potential activities taking place within it. However, they are only examples of what could take place. The planning and operation of individual temporary events will typically be beyond the remit of the planning authority, and it is expected any temporary markets or events taking place would be planned out by organisers to make sensible use of the space. In terms of the space when it is not in use, as noted previously, the Market Building itself would generate activity both in terms of activity directly associated with it and pedestrians using the route through it. Other uses that surround the site within The Green would also contribute activity. The size of the external space is considered reasonable given the scale of buildings which surround, and which would frame the space and streets immediately abutting it, preventing an impression of the space being vast. At a smaller scale, the space would be defined by the totems and ornamental planting which would also provide visual interest (*issue #2 in representations*).

In summary, compared to the previous application there would be a welcomed improvement in the provision of public open space. The concept and scale of the space is considered acceptable.

Main Building (Food Hall and Market Space)

The new building, sitting to the east of the external space, would be two storeys in height, significantly lower than the previous, now demolished Aberdeen Indoor Market building. The reduced height and less bulky nature of the proposal would allow the rear of the buildings on Union Street facing East Green to be appreciated, whereas the bulky and taller presence of the previous Aberdeen Indoor Market building made this difficult. This is welcomed and would enhance appreciation of the listed buildings and this part of the conservation area, enhancing the character and appearance of the conservation area in accordance with the statutory requirement.

The extensive use of glass and contemporary roof design would give the building a modern and lightweight appearance. This would contrast with the predominantly granite buildings surrounding it, allowing it to be readily understood as a confident and modern addition to the area. Indeed, the Council's guidance on the use of materials in new developments notes that glass can sit well

alongside a more solid material as a complementary addition, resulting in a contrast between material surfaces and colours. The opinion is however expressed in representations that the building should have a more traditional form and design. It is specifically suggested in relation to the Market Street elevation, that it should be based on the original Aberdeen Market designed by Archibald Simpson, which was present on the site between 1842 and 1971, being rebuilt in 1892 after a fire. Whilst there is a view that new buildings in historic settings should seek to replicate existing traditional buildings in design, appearance, and materials and this may be appropriate in specific circumstances, in general the contemporary approach is that new well-designed interventions in historic settings do not need to look 'old' to create a harmonious relationship with their surroundings. In this case it is considered the design and use of high-quality materials would provide a satisfactory visual distinction between old and new (*issues #3, #7, #8 and #12 in representations*).

Compared to the previous Aberdeen Indoor Market building which had little interaction with the surrounding streets, the proposed development would radically improve the connections between the building and its surroundings. Taking each of the building's four elevations in turn –

- The Market Street (east) elevation of the building would be set back from the street and feature an area of public realm in front of it which would provide access into the upper level of the building. The building elevation would feature a double height glass curtain wall, providing an active, welcoming frontage to the street and a clear view of the activity within. Continuous high-level clerestory glazing around the edge of the building, would allow high levels of light into the centre of the building. To either side of the glass curtain wall would be solid walls clad in glass with a custom ceramic frit design. This would provide visual interest and allow varying degrees of transparency, becoming internally illuminated at night. The final design of the ceramic frit, which would artistic input, would be subject of a condition.

To address the change in levels and sloping nature of the street, the public realm area on Market Street would feature steps as well as a gradually sloping step-free access from the street, as well as planting and areas for sitting. There is also the opportunity for tables and chairs to be provided as part of the food and drink uses. The opinion is expressed in representations that such opportunities on Market Street would not be worthwhile due to the high levels of road traffic. Notwithstanding, with the recent introduction of a bus gate, the level of traffic on the section of Market Street adjacent to the site has reduced and will become a pleasanter environment with the introduction of the Low Emissions Zone and use of more environmentally friendly vehicles (*issue #14 in representations*).

Concern is raised in representations that the Market Street elevation whilst intended to be dramatic, would be too stark and is too big a contrast with the adjoining buildings. However, whilst the elevation would feature a degree of grandness created by the full height glazed entrance, this is considered acceptable for what would be a public building. The public realm outside the entrance to the building would provide a human scale to this end of the building and provide space for people to dwell. The overall height of the building is lower than all buildings near it, many of which are listed, so whilst it would contrast with the predominately granite character of its surroundings, it would not necessarily overwhelm or compete with surrounding buildings. The setting of the listed buildings would be preserved (*issues #3, #7, #8 and #13 in representations*).

- The Hadden Street (south) elevation would principally comprise a large, glazed frontage featuring a curtain wall system with glass spandrels and vision panels and a continuation of the custom ceramic frit design. The sloping nature of Hadden Street would make it difficult to achieve open and active frontages onto most of the street whilst at the same time also achieving a workable internal arrangement. However, the end of the Hadden Street elevation

towards The Green would have full-height transparent glass, behind which the escalators and lifts would be located, forming part of the route between Union Street and The Green. This would provide an active frontage to the building and allow views in and out, assisting those navigating the route to orientate themselves before leaving the building and allow those heading towards Union Street to identify the route available within the building.

Concern is raised in representations that the south elevation, facing Hadden Street, contrasts with the rhythm of streetscape too much and is too stark because of the large amount of glass. However, the north side of Hadden Street does not feature any other buildings. The new building would sit on its own, with Market Street at the eastern end and The Green at the western end. Therefore, there is no rhythm for the new building to interrupt. It is accepted that the building more generally would contrast with its surroundings, due to the extensive use of different types of glass, however for the reasons explained above this is considered acceptable (*issue #7, 8# and #15 in representations*).

- The Green (west) elevation would face onto the external space and would feature a curved façade at lower level facing The Green, formed from architectural precast piers with glazing and sliding/folding doors between. Doors onto the external space would form the entrance to the building and the start of the route to Union Street through the building from The Green. This lower part would contrast with lighter appearance of the fully glazed element above at the upper floor where a terrace would be located, allowing for outdoor food and drink activity to take place overlooking The Green. The glazed elevation would provide a satisfactory link between the inside and outside of the development.
- The East Green (north) elevation of the building would mainly relate to the service areas of the building and therefore would have minimal active frontage compared to the other elevations. This is dictated by the requirement to accommodate such areas within the building and is considered acceptable and in keeping with the character of East Green, which at present is predominately used as a service lane for buildings on Union Street, but which does present an opportunity for re-purposing of basement space within the Union Street buildings. The East Green elevation would largely replicate the materials and design of the Hadden Street elevation with glazing featuring a ceramic frit design in the upper levels and the addition of granite cladding at ground floor.

91-93 Union Street

91-93 Union Street is located on the stretch between Market Street and Bridge Street. As identified by the City Centre Conservation Area Appraisal, many of the granite buildings on Union Street, including those on either side of the site, are plain and austere, being absent of any detailing beyond string courses & parapets, and featuring regular pattern of windows which provide a vertical emphasis to the building façades. This contrasts with other buildings on the street, such as public buildings, those originally designed as banks or those located at the corner of street junctions, which often feature more intricate detailing. The use of granite provides a uniform appearance to the neo-classical street.

The supporting concrete frame associated with the 1970s façade of 91–93 Union currently remains after the demolition of the building; however, it is proposed to remove it. The existing floor slab would be retained and reused as the floor within the new building. A new ground floor opening would be created across the width of the building, with a glazed façade above.

The view is expressed in representations that the frame should be retained in the interests of sustainability. Should it have been possible to integrate the frame into the proposed elevation design, its retention would be acceptable. However, the proposals as submitted include its removal. Given that it represents only a small element of the buildings that have already been demolished, its retention on the grounds of sustainability alone is not considered essential (*issue #11 in representations*).

Following amendments to the Union Street façade requested by the Planning Service, the scale, height, and proportions of the elevation would mirror that of the neighbouring buildings, respecting the rhythm, proportions, and massing of buildings on this stretch of Union Street. The top of the ground floor opening would correspond with that of the ground floors of the neighbouring units, which would help integrate the façade into the streetscape satisfactorily. Metalwork architectural gates would delineate the entrance to the building at ground level, with a canopy proposed above the opening at the fascia level of adjacent units. Canopies are generally not characteristic of Union Street and where they do exist, appear to have been added without a great deal of consideration as to how they integrate with the building to which they are attached, therefore detracting from the character of the building. However, in this case the canopy would have a relatively short projection and would function as a waypoint on the street scene, creating a welcoming frontage, identifying the pedestrian route to the market and the presence of the market beyond. By utilising a contemporary design, the canopy would read as a modern intervention in the streetscape and part of the new elevation and would not interrupt the formal appearance and rhythm of Union Street to any significant degree.

Above the ground floor opening and canopy, would be a glazed curtain wall featuring mullions and transoms to express the significant geometry of a 5-bay screen. The design concept is an abstract interpretation of the original 5-bay historic façade which existed prior to the 1970s. Panes of glass with an abstract geometric fritted design would be used to articulate the notional vertical “columns”, whereas clear glass would represent the windows between, which would allow views into the space behind. The frit pattern on the glass would appear more solid in the day, and then more transparent at night when it is illuminated from behind by the internal light of the building. The use of curtain wall glazing would contrast with the rest of this stretch of the street and would help to identify the building as a modern addition against the backdrop of the more traditional buildings. Despite this contrast, it would respect the elevational pattern seen on Union Street which comprises a regular fenestration pattern with vertical emphasis, often accompanied by columns which heighten this verticality, especially on the grander public buildings such as the Music Hall or Monkey House. The top of the elevation would feature detailing that would correspond with the cornice and parapet detailing on the neighbouring buildings, again respecting the character of the street.

Concern is raised in representations that the design of the Union Street façade makes no effort to address the facades of adjacent buildings, being bland and breaking rhythm of the street. Whilst the design of the façade originally submitted did lack interest, as considered above, the revised design is now considered to respond to its context in a satisfactory way which would contribute to the street-scene positively. The contemporary approach in the form of a complementary addition, which utilises design cues such as the bay rhythm, scale and proportion of the previous building and wider street, represents an honest and confident intervention and is considered acceptable. (*issue #10 in representations*).

The rear of 91-93 Union Street would be significantly enhanced through the introduction of new architectural elements to integrate it into East Green which features tall narrow buildings and a wide range of materials. At ground level, the area where the existing service yard is, which was dark and unpleasant, would be enclosed with a façade which would line through with those on either side, so it reads as a continuous street frontage. It would feature mottled grey brick and

doors to provide access into the service space behind. At first floor level the walkway between 91-93 Union Street and the new market building would sit, above which would be a curtain wall glazing extending the height of the elevation. It would feature a translucent geometric frit pattern like the Union Street elevation, but in a more abstract pattern, reflecting the less formal street elevation and back-lane features of East Green. The design of this façade is welcomed and would enhance the character of East Green.

New Pedestrian Route

Through the entrance to 91–93 Union Street a pedestrian route would lead through the building to an open bridge link over East Green, into the market space at that level (or through to the Market Street entrance), or down to the food and drink space on the lower floor, via escalators or a lift. Doors would then allow access into the external space which would have step free access into the surrounding street network. This would provide a convenient and predominately covered pedestrian route between Union Street and The Green. This feature is welcomed and in combination with separate public realm works proposed in the surrounding area, would provide an enhanced route for pedestrians traveling between Union Street and Union Square, the railway station and bus station.

The desire to see the route be available continuously 24 hours a day is expressed in representations. The applicant has advised that it is likely that elements of the market will be operational from between 07:00–08:00 through to midnight, with potential for extended hours for occasional indoor special events. Whilst during weekend nights when the city centre is busier there may be demand for the route up until 03:00-04:00, it is not expected that a significant number of pedestrians would otherwise use the route during a typical night. To require the building to be open throughout the night would place unreasonable operational and security burdens on the applicant and operator compared to any benefit that having continuous access may bring. Continuous opening is not required to make the development acceptable, and it is considered that the hours proposed are reasonable. Alternative pedestrian routes between Union Street and The Green area exist via Market Street, Correction Wynd and Back Wynd Steps (*issue #6 in representations*).

Concern however is raised in a representation that the openness of the walkway could discourage people from using it due to visibility from the lower level of the East Green. It is not however anticipated that the arrangement would present any particular problem for anyone using the bridge any more so than other common arrangements where there is a difference between levels, such as escalators or large windows in the upper floors of buildings (*issue #9 in representations*).

No. 6 Market Street

No. 6 Market Street was located between the Aberdeen Indoor Market and 73–79 Union Street (currently vacant and last occupied by Café Nero). It is thought that it is part of the original design for the Aberdeen Market by Archibald Simpson dating back to the 1840s. Although it had been altered, the shop front featured elements of original classical detailing including three arches which were beneath the modern shop sign. It is considered that the façade contributed to the character of the area and therefore through the previous planning permission it was agreed that it would be retained as part of the new development. The frontage has since been removed and is being stored so that it can be rebuilt. The proposal again is that it would frame a view from Market Street down onto East Green at the lower level, allowing appreciation of the change in levels between different parts of the city centre and views of the activity within The Green in the distance. The reuse of the granite supports Policy D7 (Our Granite Heritage) which seeks the retention and appropriate re-use, conversion and adaptation of all historic granite buildings, structures, and features.

Public Art

Policy 31 (Culture and Creativity) requires development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art. Public art proposals which reflect diversity, culture and creativity will be supported. In this case, the totems, metal screen and custom ceramic frit glazing design are all expected to have artistic input into their final design and would therefore contribute to the enhancement of the public realm in accordance with this policy.

In summary, the provision of a new retail and leisure destination with improved interaction between the site and its surroundings, would dramatically enhance the urban environment. The contemporary design would sit comfortably alongside its surroundings, being a respectful yet confident intervention in city centre. In that regards it is considered that the proposal would preserve the character of the conservation area in accordance with section 64 of the listed buildings and conservation areas act; Policy 7 (Historic Assets and Places) of NPF4; and Policy D6 (Historic Environment) of the ALDP. The project would build on the streetscape and resurfacing works which were undertaken in The Green area between 2009 and 2014. These enhancements, alongside improvements to shopfronts and building fabric saw a step change in the perception of The Green area. The proposal, alongside further public realm improvements proposed for the area, represents the next step in terms of significantly improving what The Green and wider Merchant Quarter offers in its role as a key area that is actively used at the heart of the city centre, acting as a catalyst for further city centre regeneration.

Access, Parking and Transport

Policy 13 (Sustainable Transport) of NPF4 seeks to encourage, promote, and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Furthermore, Policy T2 (Sustainable Transport) of the ALDP explains that proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated. New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport.

Accessibility

The site is in a highly accessible location, being located within the city centre, with both the bus and railway stations and the ferry terminal less than five minutes' walk away. Many of the city's bus routes pass within walking distance with stops of Union Street, Market Street and Guild Street, or terminate at the nearby bus station.

Parking

Policy 13 (Sustainable Transport) of NPF4 states that *“development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.”*

Similarly, Policy T3 (Parking) of the ALDP indicates that *“within the City Centre boundary the principle of ‘zero parking’ shall be applied with respect to all new development. Limited vehicle parking will only be permitted when demonstrated as necessary for the servicing/operation of businesses and buildings, and for customer drop off/pick up arrangements. Where possible, such parking should preferably be provided at basement level within buildings and not on ground or*

street level where this would be at the expense of an active frontage onto a public street, public space or private open space. The needs of disabled people will be considered for all proposals.”

No parking is proposed for customers, which was also the case for the Aberdeen Indoor Market and the application approved in May 2022. As described above, the site is highly accessible, therefore, a zero-parking development is considered acceptable. This would be in accordance with Project IN02 (City Centre Car Parking) of the CCMP, which seeks stricter parking standards within the city centre boundary and application of zero parking for new development. Fewer cars in the city centre brings benefits in terms of reducing traffic congestion, noise & air pollution and provides opportunities to increase and enhance city centre public realm by removing the focus on vehicles.

Blue badge parking spaces are available a short distance away on Correction Wynd and within The Green. A condition has been attached requiring one further space to be provided within the area, the location of which will be informed by the wider street works in the area.

Three spaces for service vehicles would be provided within the service area of the ground floor. This is considered acceptable for the size of the building. Larger service vehicles would be required to stop on surrounding streets. Recognising that the food and drink units within the development could attract home delivery vehicles, a condition is attached requiring consideration to be given to parking provision for such vehicles near the site. It is anticipated that this would be considered as in conjunction with the wider public realm works for the area.

Space for staff cycle parking would be provided within the service area of the building. Short-stay cycle parking for customers would be provided as part of the surrounding street works, with scope for stands to also be provided in the external area. A condition is proposed requiring details to be submitted and approved once quantity of stands and their locations have been finalised.

Vehicular Access and Traffic

With traffic directly associated with the development only comprising service vehicles, there would be an insignificant impact on the surrounding road network in terms of traffic and therefore no mitigation measures are required.

Amenity and Environment

Odours

Class 3 (Food and Drink) use would allow cooking of food on the premises, which brings the risk of nuisance to surrounding properties from associated odours. The Council's Environmental Health service have advised that a commercial local extract ventilation system ('LEV') would be required to control odours. The applicant is aware of the requirement and the building has been designed to accommodate such a system. A condition is therefore proposed which would require further details of a LEV system to be submitted and approved and thereafter for the system to be in place prior to the cooking of any food being undertaken.

Noise

Policy 23 (Health and Safety) of NPF4 states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. Similarly, Policy T5 (Noise) of the ALDP states that there will be a presumption against noise generating developments being located close to noise sensitive developments, such as existing or proposed housing. It goes on to

say development within, or near to, Noise Management Areas will not be permitted where this is likely to contribute to a significant increase in exposure to noise, or a deterioration of noise conditions, in these areas. In this case, the proposed development is located within a Noise Management Area. Being a city centre location, the existing noise climate is dominated by city centre road traffic and noise associated with commercial and licensed premises.

The uses within the new development, being commercial in nature, are not considered to be noise sensitive in themselves, with the building fabric anticipated to provide sufficient mitigation against noise for the indoor activities proposed. Potential noise sources arising from the development itself are customers using the external terrace which would be located on the west elevation facing The Green; from the use of the external events area; and from mechanical plant associated with the building.

The surroundings area features public house uses including Cheerz Bar & Nightclub, the Market Arms, CASC and Old Kings Highway. Café 52 located on The Green also features an outdoor area. A similar situation exists at the Market Street end of the building, with a variety of licensed premises present, although background noise is higher due to Market Street being a main public transport route through the city centre.

The nearest residential properties are located to the south of the site, on Hadden Street, Exchange Street, Carmelite Street and The Green. At the weekend bars will generally be open until 01:00 whereas Cheerz is open to 03:00. Given this existing relatively noisy environment and numerous licensed premises present, it is considered the introduction of the terrace would not significantly change the noise characteristics of the area. Residents of the surrounding area will be accustomed to noise in the evening from licensed premises and general city centre activity and the external terrace is unlikely to change this to any significant degree. Notwithstanding, it is considered reasonable to restrict the use of the external terrace to 23:00 to minimise the potential for disturbance during the latter part of the evening and rest of the night.

In terms of the external space, it represents an expansion of the existing pedestrian space within The Green which is already used for outdoor events such as the Inspired Nights street food market and Aberdeen Jazz Festival. Sliding/folding glazed screens at the end of the building facing The Green would allow seating to spill out into the space. It is anticipated that events within the space would be held on an ad-hoc basis with appropriate licensing measures in place to control operational matters.

Mechanical plant would be accommodated mainly within the roof of the building and within the ground floor, facing East Green. It is recommended by Environmental Health officers that noise impact assessment is carried out to ensure any noise from such equipment is suitably mitigated against. A condition has been attached to address the matter.

In summary, it is not considered that the development would significantly alter the noise environment in this part of the city centre and its noise impact is considered acceptable in this regard, subject to further examination of the proposed mechanical plant.

Daylight, privacy, and overshadowing

There are residential properties in the vicinity and the new building could affect their amenity, specifically in terms of daylight, privacy, or overshadowing.

The new building would be no closer to surrounding buildings than the previous Aberdeen Indoor Market building, however it would generally be lower. Whilst it is acknowledged that there would be substantially more glazing than the most recent situation, nearby residential properties have no

private outdoor spaces, such as gardens, which would be overlooked. The ability to see one window from another does not constitute a reduction in privacy, especially within the city centre where buildings are located within close proximity to one another. It is not considered privacy would be unreasonably reduced.

The flats on Market Street and Exchange Street, facing onto the Market Street end of Hadden Street, would see their outlook enhanced compared when the previous Aberdeen Indoor Market building was present, as the blank façade of the market building has been removed, and a lower and more lightweight glazed structure would replace it. There would be no impact upon availability of daylight to these flats. The new building would have a smaller footprint than the previous building, being some 50m further away from the flats at Carmelite Street and Martin's Lane (which look out on to Hadden Street and The Green) than the previous building. These flats would benefit from a more open outlook over the external space, rather than having a building in very close proximity as was the previous arrangement.

The flats closest to the development are located at Stirling Street and Exchange Street, above the Market Arms and Cheerz, overlooking Hadden Street. The narrow width of Hadden Street at this point was likely to have had an impact on available daylight to these flats, due to the proximity and height of the previous market building. The new building would be slightly lower than the existing building so could enhance the availability of daylight for these flats.

In terms potential overshadowing, the building is located to the north of all surrounding residential properties and therefore the availability of direct sunlight to any properties would not be affected.

A large television screen originally proposed on the western elevation of the building has been removed from the current application.

In summary, for most residential properties in the area, the outlook and environment would improve and there would be no privacy, daylight, or sunlight issues.

Potential Contamination

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 requires that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. Policy R2 (Degraded and Contaminated Land) of the ALDP contains similar requirements.

A Geo-Environmental Desk Study has been undertaken by the applicant to determine the likelihood and nature of any contamination of the land. The presence of the building on the site prevents intrusive ground investigations being undertaken. The study therefore recommends that, post demolition, a geo-environmental investigation is carried out across the site to determine the ground conditions, to inform foundation design and to investigate any potential contamination. Environmental Health officers agree with this recommendation and a condition is recommended on any consent to secure the submission of a geo-environmental investigation.

Subject to further investigation through a geo-technical investigation it is concluded that the proposal would comply with Policy 9 of NPF4 and Policy R2 of the ALDP.

Microclimate

As the proposed new building features a more open area than the existing market, this presents a risk of some wind discomfort, particularly in the open external space. Additionally, construction of

large buildings can channel or re-direct winds potentially leading to an uncomfortable wind environment for pedestrians.

A micro-climate assessment has been submitted in support of the application and considers the wind microclimate on and around the site. Modelling software was used to analyse conditions with the site in its current state and after the proposed development, against the 'Lawson' criteria for pedestrian comfort or distress. These relate a wind speed which should not be exceeded for more than a given percentage of the time if the location of interest is to be deemed acceptable for activities such as sitting or strolling.

The results showed that wind conditions throughout the proposed development are acceptable, noting:

- All areas have wind comfort conditions suited to their expected use.
- There is no change of comfort conditions between existing and proposed developments.
- There are no wind safety exceedances throughout the site.

The favourable wind conditions are due to the shielding provided by the surrounding buildings and the similarity of the proposed development's height and geometry to the existing development. The assessment recommends that no wind mitigation measures are required to improve wind comfort. The findings of the assessment are considered acceptable with no further action required.

Waste Storage and Collection

Policy 12 (Zero Waste) seeks to encourage, promote, and facilitate development that is consistent with the waste hierarchy. Policy R6 (Waste Management Requirements for New Development) requires that all new developments should have sufficient space for the storage of general waste, recyclable materials, and compostable wastes where appropriate. A waste store would be provided within the service area at ground floor, accessed from East Green which is considered acceptable.

Flooding and Drainage

Drainage

Policy NE6 (Flooding, Drainage and Water Quality) states that surface water drainage associated with development must be the most appropriate available and avoid flooding and pollution, both during and after construction. It goes on to say that connection to the public sewer will be a prerequisite of all development where this is not already provided.

Foul flows from the building are proposed to discharge at the lower ground floor level to the existing combined sewer network which exists in the surrounding streets. The exact point of connection to the existing combined sewer is to be agreed with Scottish Water. Trade effluent will discharge via new gravity drains and a full retention separator to the foul drainage system.

Surface water run-off from the building roof would be drained via downpipes to the below ground drainage within the site, whereas run-off from the external events area would shed to drainage channels into the drainage system. Run-off would collect in a below ground surface water attenuation tank, which would drain at a restricted rate via an outlet control manhole, stone filled trench, gravity drains and disconnection chamber to the existing surface water sewer within Market Street. Again, the exact point of connection to the existing surface water sewer is to be agreed with Scottish Water.

The outline drainage proposals are considered acceptable. A condition is to be attached requiring a finalised scheme to be submitted and approved.

Flooding

In terms of flooding, Policy 22 (Flood Risk and Water Management) of NPF4 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP says development will not be permitted if it would increase the risk of flooding or it would itself be at risk of flooding. A Flood Risk Assessment ('FRA') has been submitted in support of the application and reviewed by the Council's flooding officers. The FRA considered the potential risk from coastal flooding, fluvial (river) flooding sewer flooding and surface water flooding.

- In terms of coastal flooding, the Upper Dock of Aberdeen Harbour is around 200m to the south, however due to the difference in levels between the harbour and the site there would be no risk of coastal flooding.
- The Den Burn and another minor water course are culverted beneath the city centre and represent a potential source of flooding. Software modelling has been used to consider the risk but does not show any flooding of the site from these sources.
- Overland flow of surface water has the potential to be an issue during extreme weather events. Whilst the topography of the surrounding area shows that flows would generally avoid the building, due to the constraints on achievable freeboard between street level and ground floor level of the building, the FRA recommends flood resilient doors/barriers should be used. A condition would be attached requiring details to be submitted.

In summary the flood risk at the site is low, with measures proposed to mitigate any residual risk of surface water flooding.

Archaeology

Policy 7 (Historic Assets and Places) of NPF4 requires that where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Similarly, Policy D6 (Historic Environment) of the ALDP indicates that developments that would adversely impact upon archaeological remains, of either national or local importance, or on their setting will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of over-riding public need.

The detailed historical assessment contained within the Heritage Statement complements the Desk-Based Assessment previously completed in 2021 for this site. Both provide evidence of the archaeological potential of the site and its immediate vicinity given the location of the site within the medieval historic core of the city. There is high potential for pockets of surviving archaeological material under the footprint of the former market building, and therefore in accordance with the recommendation from the Councils archaeology advisor it is proposed to attach a condition requiring implementation of the programme of archaeological works.

Climate Change and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises.

All new buildings are required by Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency Low and Zero Carbon Buildings) to demonstrate that a proportion of the carbon emissions reduction standard set by Building Standards will be met through the installation and operation of low and zero carbon generating technology. To meet the requirement, photovoltaic panels would provide are proposed on the roof of the main building as well as the Union Street building. A condition is attached requiring the finalised details of the panels and associated carbon emission reductions to be submitted.

Policy 3 (Biodiversity) of NPF4 requires development proposals to contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

The previous Aberdeen Indoor Market building covered the entirety of the application site and therefore there were no areas of green space or trees present. The biodiversity value of the site was, and post demolition still is very limited. The proposals include nine trees around the perimeter of the external events space as well as one further tree as well as planters at the Market Street entrance to the building. The introduction of trees in part of the city centre where there is limited tree cover is welcomed. Through the provision of the new planting, although limited, there would be an enhancement in biodiversity compared to the current situation.

Digital Infrastructure

Policy 24 (Digital Infrastructure) of NPF4 supports developments that would incorporate appropriate, universal, and future-proofed digital infrastructure. Policy C11 (Digital Infrastructure) of the ALDP expects all new commercial development to have access to high-speed communications infrastructure. The site is within an area where Superfast Fibre Broadband is available on the Openreach network. The roll-out of full fibre broadband by CityFibre is also planned for the area. It is considered that access to high-speed communications infrastructure would be available to the development.

Health and Safety

Policy 23 (Health and Safety) of NPF4 requires development proposals to be designed to consider suicide risk. There are no features apparent within the proposals which would increase the risk of suicide occurring.

Developer Obligations

In terms of Developer Obligations, the type of development would typically be due towards core paths and open space. However, the provision of the pedestrian route through the building between Union Street and The Green represents an improvement to the core path routes in this area of the city centre. The provision of the external events space which would be publicly accessible around the clock would also enhance the provision of open space within the city centre. Therefore, no developer obligations are required.

Other Matters Raised in Representations

It is suggested that the Council should look at what other cities and towns are doing to support regeneration. This is beyond the scope of considering an individual application, however the development of the CCMP included good practice and inspiration from other cities around the world (*issue #5 in representations*).

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Both national and local planning policy seeks the regeneration of city centres such as Aberdeen City Centre which at a local level translated into the projects and aspirations contained within the City Centre Masterplan (CCMP). The proposal would support these aims by creating an attractive destination within the city centre which would be a focus of retail, food & drink and leisure activity during daytime and evening. The commercial environment and public realm would also be enhanced. The mix of uses would contribute to the vibrancy, vitality, and viability of this part of the city centre and act as a catalyst for further city centre regeneration. The proposal would contribute to the high-level vision of the CCMP and therefore be compliant with Policy 27 (City, Town, Local and Commercial Centres), Policy 28 (Retail) and Policy 31 (Culture and Creativity) of National Planning Framework 4 (NPF4) and Policy VC1 (Vibrant City) and Policy VC4 (City Centre and Retail Core) of the Aberdeen Local Development Plan (ALDP).

The provision of a new retail and leisure destination with improved interaction between the site and its surroundings, would dramatically enhance the urban environment. The contemporary design would sit comfortably alongside its surroundings, being a respectful yet confident intervention in city centre. In that regards it is considered that the proposal would preserve the character of the conservation area in accordance with section 64 the listed buildings and conservation areas act 1997; of the planning Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP. The proposal, alongside further public realm improvements proposed for the area, represents the next step in terms of significantly improving what The Green and wider Merchant Quarter offers in its role as a key area that is actively used at the heart of the city centre, acting as a catalyst for further city centre regeneration.

In terms of amenity, it is not considered that the development would significantly alter the noise environment in this part of the city centre and its noise impact is considered acceptable in this regard. For most residential properties in the area, the outlook and environment would improve and there would be no privacy, daylight, or sunlight issues.

All other matters have been satisfactorily addressed or controlled through conditions.

CONDITIONS

(01) DURATION OF PERMISSION

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

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

PRE-COMMENCEMENT OF OVERALL DEVELOPMENT

(02) GEO-ENVIRONMENTAL INVESTIGATION

No development shall take place unless a scheme to deal with any contamination that may exist within the site has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 (Investigation of Potentially Contaminated Sites - Code of Practice) and other best practice guidance and include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

Thereafter, the development shall not be brought into use unless (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and (ii) a report has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the site has been carried out, unless the planning authority has given written consent for a variation.

Reason – to sure that the site is fit for its proposed used and to avoid any unacceptable risks to human health and the environment.

(03) ARCHAEOLOGY

No development shall take place unless there has been submitted to and approved in writing by the planning authority an archaeological written scheme of investigation (WSI) and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works.

Should the archaeological works reveal the need for post excavation analysis, the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason – to safeguard and record the archaeological potential of the area.

(04) DRAINAGE

No development shall take place unless a further detailed scheme has been submitted to and approved in writing by the planning authority which specifies the proposals for the disposal of foul and surface water drainage.

Thereafter, the development shall not be brought into use unless the development has been implemented in accordance with the approved scheme and is available for use.

Reason – to safeguard water quality and to ensure that the development can be drained.

(05) SERVICE AREA – ACCESS

No development shall take place unless a swept path analysis for the internal service yard has been submitted to and approved in writing by the planning authority. The swept path analysis must

demonstrate that the type of vehicles which are expected to use the area can enter and exit it satisfactorily.

Reason – to ensure road safety is not compromised.

(06) NO. 6 MARKET STREET

No development shall take place unless a there has been submitted to and approved in writing by the planning authority a scheme for the reinstatement of the façade of No. 6 Market Street. The scheme shall include detailed specifications featuring –

- 1:10 elevation and section drawing detailing the proposed façade to Market Street elevation shopfront including the new column details and positioning of the balustrade
- 1:10 elevation and section showing how the new building will abut 6 Market Street
- a specification and sample of stone for the stone forming the new columns.
- details of the primary structural steel support at the rear and ingoes of the façade
- details of fixings
- details of mortar
- a methodology for the take down and rebuilding of the façade

Thereafter development shall be undertaken in accordance with the approved scheme and unless otherwise agreed in writing the development shall not be brought into use unless the façade has been reinstated in accordance with the approved scheme.

Reason – to ensure an appropriately high quality, customised detailing commensurate with the civic scale and setting of the proposal.

(07) PREVENTION OF BIRD ROOSTING AND LOAFING

No development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme to minimise the ability of birds to use the roofs and other parts of the building for nesting or loafing.

Thereafter, unless a written variation has been approved by the planning authority, the development shall not be brought into use unless the approved scheme has been implemented and is operational.

Reason – to minimise the nuisance from birds and to control the visual impact of any mitigation measures.

(08) LOW AND ZERO CARBON GENERATING TECHNOLOGIES

No development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme detailing compliance with Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency) and associated Aberdeen Planning Guidance (or any superseding policy or guidance covering the same matter) of the Aberdeen Local Development Plan with regards to low and zero carbon generating technologies.

Thereafter, the development shall not be brought into use unless the approved scheme has been implemented and measures are available for use.

Reason – to ensure the development complies with requirements for reductions in carbon emissions.

PRE-COMMENCEMENT OF PARTICULAR ELEMENTS OF DEVELOPMENT

(09) EXTERNAL FINISHING MATERIALS (MAIN BUILDING)

No development relating to the external finishing materials of the the main building shall place unless a there has been submitted to and approved in writing by the planning authority a scheme which details the design and material specification for all external parts of the main building. The scheme shall include –

- a) Detailed design specification of all materials to be used on the external areas of the building.
- b) Elevational drawings clearly showing which materials are to be used on each part of the building.
- c) 1:20 construction drawings, showing the size of granite cladding panels to be used.
- d) 1:20 construction drawings, showing the detailing of points where there would be a change in the surface finishes (for example where glazed sections meet granite-clad sections).
- e) Detailed design specification of the custom ceramic frit design proposed for the curtain wall glazing.
- f) Detailed design specification of the custom artwork pattern proposed for the metal screening and totems.

Thereafter, the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason – to ensure appropriately high quality, customised detailing commensurate with the civic scale and setting of the proposal.

(10) EXTERNAL FINISHING MATERIALS (91-93 UNION STREET)

No development relating to the external finishing materials of 91-93 Union Street shall take place unless there has been submitted to and approved in writing by the planning authority a scheme specifying the design and material specifications of the Union Street and East Green elevations of the development. The scheme shall include –

- a) Detailed design specification of all materials to be used on the external areas of the building.
- b) Elevational drawings clearly showing which materials are to be used on each part of the building.
- c) Detailed design specification of the entrance canopy.
- d) Detailed design specification of the metal entrance gates.
- e) Detailed design specification of the internal structural support for the glass façade.
- f) Detailed design specification of the glazing arrangements, including dimensions of the glass panes.
- g) Detailed design specification of the custom ceramic frit design proposed for the curtain wall glazing.
- h) 1:20 construction drawings, showing the detailing of points where the glass façade would abut the adajcent buildings.

Thereafter, the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason – to ensure an appropriately high quality, customised detailing commensurate with the civic scale and setting of the proposal.

(11) EXTERNAL HARD LANDSCAPING MATERIALS

No development in relation to the external hard landscaping shall take place unless there has been submitted to and approved in writing by the planning authority a scheme detailing the design and the material specification of all external hard landscaping areas for the proposed development. The scheme shall cover –

1. the entrance area between the building and Market Street
2. the external events space

Thereafter, unless a written variation has been approved by the planning authority, the development shall not be brought into use unless the development has been finished in accordance with the approved scheme.

Reason – to ensure an appropriately high quality, customised detailing commensurate with the civic scale and setting of the proposal.

PRE-OCCUPATION

(12) ODOUR IMPACT ASSESSMENT

No part of the building shall be brought into use for the purposes of class 3 (food and drink) use, or otherwise used for the cooking of hot food, unless there has been submitted to and approved in writing by the planning authority an odour impact assessment. The scheme shall be carried out by a competent person, in line with relevant guidance for example, the EMAQ guidance document 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (or equivalent as suitably demonstrated) and associated references. The assessment must include (but not be limited to) –

- an odour risk assessment based on the specific type and level of cooking activities to be undertaken,
- necessary extract rates and an explanation of how they have been established,
- prediction of the impacts at the nearest sensitive receptors and
- any required mitigation measures to; extract filter, neutralise, and disperse cooking fumes produced at the premises.
- demonstrate of the effectiveness of any mitigation measure

Thereafter, the development shall not be brought into use unless the mitigation measures have been implemented in accordance with the approved scheme and are operational

Reason – to surrounding uses from cooking odours.

(13) NOISE MITIGATION

No part of the building shall be brought into use unless there has been submitted to and approved in writing by the planning authority a noise assessment considering the impact on nearby

residential properties (existing and consented) of noise from mechanical plant associated with the development. This assessment should:

- Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- Identify the likely sources of noise associated with the proposed development, including any equipment necessary to address the impact of cooking odours
- 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

Thereafter, the building shall not be brought into use unless any identified mitigation measures have been implemented and are operational.

Reason – to protect residential properties from noise associated with the development.

(14) WATER EFFICIENCY

No part of the building shall be brought into use unless there has been submitted to and approved in writing by the planning authority a scheme detailing compliance with Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency) and associated supplementary guidance (or any superseding policy or guidance covering the same matter) of the Aberdeen Local Development Plan with regards to water efficiency measures. The scheme should consider the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development.

Thereafter, the building shall not be brought into use unless the approved scheme has been fully implemented and identified measures are available for use.

Reason – to help avoid reductions in river water levels, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation (SAC).

(15) EXTERNAL LIGHTING STRATEGY

No part of the building shall be brought into use unless there has been submitted to and approved in writing by the planning authority a scheme for the external lighting.

The scheme shall include details of all external lighting of the building and its external areas, and any internal lighting designed to form part of the external elevation (for example lighting behind fritted glass).

Thereafter, unless a written variation has been approved by the planning authority, the development shall not be brought into use unless the approved scheme has been implemented and is operational.

Reason – to ensure the development is satisfactorily integrated into the surrounding area.

(16) SERVICE AREA

No part of the building shall be brought into use unless the service area (including parking spaces) has been constructed and laid out in accordance with HFM drawing AMKT-HFM-ZZ-00-PL-A-02 100 (Rev.B) (or other such drawing as agreed for the purpose) and is available for use.

Thereafter (i) no waste storage containers shall be stored outside the building other than when required to be available for collection, and (ii) the parking spaces shall be used for no purpose other than for the parking of vehicles belonging to those working at or visiting the building.

Reason – to ensure there is sufficient space for the storage of waste and parking for service vehicles.

(17) ACCESSIBLE PARKING SPACE

No part of the building shall be brought into use unless a scheme showing the location within the vicinity of the development of at least one accessible parking space for blue badge holders has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, the building shall not be brought into use unless (i) the accessible parking space has been constructed and/or marked out and is available for use and any associated signs or road markings have been implemented, and (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to blue badge holders only.

Reason – to ensure the development is as accessible as possible to those with a disability.

(18) CYCLE PARKING

No part of the building shall be brought into use unless a scheme has been submitted to and approved in writing by the planning authority showing –

- (i) the locations of short stay cycle parking facilities within the external area of the development or within the vicinity of the development; and
- (ii) a suitable level of long-stay staff cycle parking facilities within the internal area of the development.

Thereafter, unless otherwise agreed in writing with the planning authority, the building shall not be brought into use unless all cycle parking in the approved scheme has been provided and is available for use.

Reason – to encourage travel to and from the development by bicycle.

(19) ONLINE TAKEAWAY DELIVERY DRIVER PARKING

No food service unit shall be brought into use unless a scheme of parking for online takeaway delivery drivers has been submitted to and approved in writing by the planning authority. The scheme shall show the location of reserved parking spaces within the vicinity of the development which can be used by delivery drivers collecting takeaway food from the development.

Thereafter, unless otherwise agreed in writing with the planning authority, no food service unit shall not be brought into use unless (i) the reserved parking spaces have been constructed and/or marked out and are available for use and any associated signs or road markings have been implemented, and (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to such users.

Reason – to minimise the potential for indiscriminate parking within the vicinity of the development.

ONGOING CONTROL

(20) RESTRICTION ON CLASS 11 (ASSEMBLY AND LEISURE) USE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the uses permitted within Class 11 (Assembly and Leisure) does not include dance hall, discotheque (better now known as night club) or casino.

Reason – to ensure as far as possible that the building offers an active frontage with uses which are active during the day and which contribute to the vitality and viability of the city centre.

(21) SERVICING HOURS

Service deliveries or collections at the building by heavy goods vehicles shall be restricted to 07:00 to 21:00 Monday to Saturday and 09:00 to 21:00 on Sundays, unless otherwise agreed in writing by the planning authority.

Reason – to prevent any adverse impact on amenity because of deliveries and servicing occurring at unsociable hours.

(22) EXTERNAL TERRACE OPERATING HOURS

The external terrace located at first floor level shall not be used outside the hours of 07:00 to 23:00.

Reason – to prevent any unreasonable disturbance to the occupiers of nearby residential properties from the use of the terrace at unsociable hours.

ADVISORY NOTES FOR APPLICANT

(1) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.

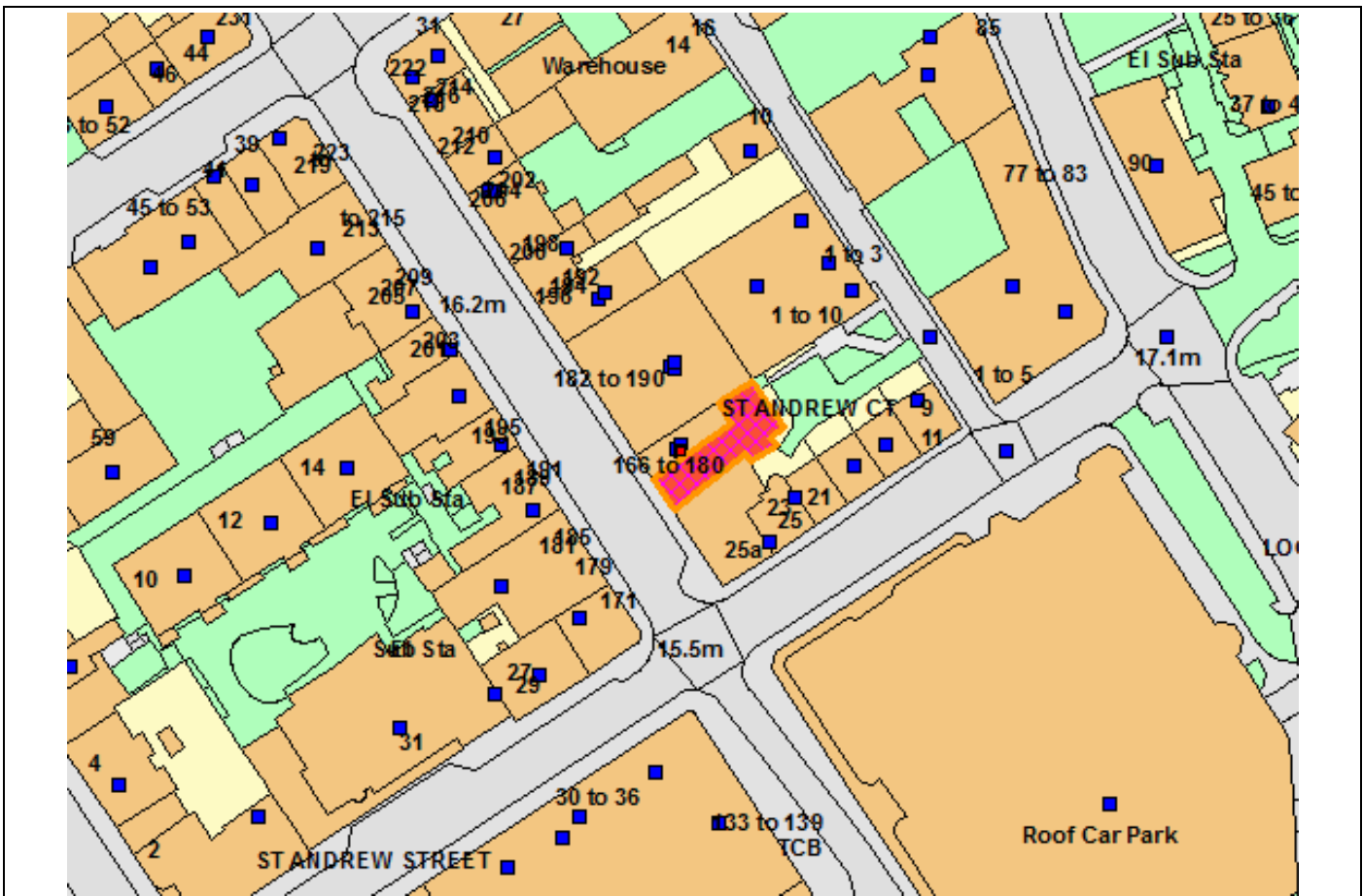
(2) CONTROL OF ADVERTISEMENTS

For the avoidance of doubt the planning permission hereby granted does not give or imply the granting of consent for any advertisement indicated on the approved planning permission drawings. If such advertisements do not benefit from deemed advertisement consent, a separate application for express advertisement consent should be submitted. For further advice please contact the planning authority.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 2 November 2023</p>

Site Address:	Ladbroke Racing Ltd, 178 George Street, Aberdeen, AB25 1BS
Application Description:	Change of use from betting shop to adult gaming centre (sui generis)
Application Ref:	230972/DPP
Application Type	Detailed Planning Permission
Application Date:	8 August 2023
Applicant:	Merkur Slots (UK) Ltd
Ward:	George Street/Harbour
Community Council:	George Street
Case Officer:	Alex Ferguson



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a vacant betting shop premises situated at ground floor level of a 2½ storey mid-terraced building on the eastern side of George Street, just to the north of its junction with St Andrew Street. The building contains three commercial units at ground floor level (the application property, a Class 3 unit [Greggs], and a barber's). The application property has a modern, predominantly glazed shopfront and was last in use as a Ladbrokes betting shop but has lain vacant for approximately 4 years. The site lies within the City Centre and within a Mixed Use Area, both as defined in the Aberdeen Local Development Plan 2023.

Relevant Planning History

201625/DPP – Detailed planning permission was approved conditionally in March 2021 for the change of use of 181A Union Street from a shop to an adult gaming centre (Merkur Slots). This has now taken place, with the centre in use.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the application property from a betting shop to an adult gaming centre. Both the existing and proposed uses are sui generis (i.e. not falling within any defined use class). The gaming centre would host low-stake gambling machines, such as slot machines, for use by over-18's. The applicant proposes to operate the use 24 hours a day, 7 days a week.

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZ0XLWBZM6B00>

- Noise Impact Assessment (Archo Consulting, 7th August 2023 – Ref: PR2001_145_FINAL)
- Cover Letter
- Appendices 1 – 6 (Including Summary, Appeal Decisions and Merkur Brochure)

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the George Street Community Council have objected to the application.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The site lies within the city centre and within Controlled Parking Zone (CPZ) G. The site would be accessible given the city centre location, with access to the existing adopted footpath network and public transport. No car parking

is proposed, nor is any required due to the accessible city centre location.

ACC - Environmental Health – No objection, subject to the implementation of the mitigation measures detailed in the applicant's Noise Impact Assessment report, including:

- The separating floor between the premises and the property (receptor) above shall (as a minimum) meet the specification and associated sound reduction criteria detailed in Appendix D.
- During fitout, mechanical and electrical (M&E) structures affixed to the underside of the floor shall be checked to ensure they are secure and not likely to come loose causing holes and any new M&E penetrations shall be fully sealed up with mortar so flanking paths do not occur.
- Perimeter seals shall be installed around the frame of the external door and at the bottom to prevent unnecessary sound transmission to the outside. The door shall also incorporate an automatic closer system.
- The provisions in the Operational Management Plan (Appendix E) shall be adhered to throughout the lifetime of the development.

George Street Community Council – Object. The Community Council fears that the 24-hour nature of the proposal would attract or increase the antisocial behaviour at night and in the early hours of the morning on George Street, a main route out of the city centre. People standing smoking in doorways has been a major source of conflict since the smoking ban was put in place and again increases antisocial behaviour and noise. The unrestricted, non-stop nature of 24-hour access combined with the addictive nature of the gaming machines in a location very close to none of Aberdeen's poorest areas will not help George Street.

REPRESENTATIONS

Two representations were received, both objecting to the application. The matters raised in the objections can be summarised as follows:

- The proposed adult gaming centre would adversely affect residential amenity due to noise emissions and its proposed 24-hour operation;
- Residents' sleep is already disturbed by the voices of people walking home from pubs and clubs in the early morning hours and the proposed use would exacerbate existing issues;
- The noise emissions from humans during the night-time periods also disturbs seagulls nesting nearby, further exacerbating noise issues;
- Smokers already congregate in the recessed doorway of 172 George Street (serving residential flats above). It is probable that some customers of the proposed use would also utilise the doorway as a smoking shelter, to the detriment of amenity;
- The concerns in relation to noise emissions impacting on amenity would not be as significant if the opening hours of the proposed use were to be restricted to daytime hours (i.e. 9am to 9pm);
- The application is contrary to paragraph (c) of Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 in relation to such uses in disadvantaged areas, and also potentially to paragraph (g) in relation to the proximity of residential properties in city centres to amusement arcades and other commercial uses.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4 (NPF4)

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 13 (Sustainable Transport)
- Policy 27 (City, Town, Local and Commercial Centres)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan (2023)

The following policies are relevant –

- Policy H2 (Mixed Use Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC1 (Vibrant City)
- Policy WB3 (Noise)

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Harmony of Uses
- Noise

Other material considerations

- City Centre Masterplan (CCMP)

EVALUATION

City Centre Development and Mixed Use Areas

The application site lies within the City Centre and a Mixed Use Area, both as defined in the

Aberdeen Local Development Plan 2023 (ALDP) Proposals Map.

Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4) states that:

- a) *Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.*
- c) *Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:*
 - i. *Hot food takeaways, including permanently sited vans;*
 - ii. *Betting offices; and*
 - iii. *High interest money lending premises.*

Policy VC1 (Vibrant City) of the ALDP states:

Proposals for new development, or expansion of existing activities, in the city centre, which support its vibrancy and vitality throughout the day and/or into the evening will be supported in principle.

Proposals will contribute towards the wider aims of the City Centre Masterplan and its vision for the city centre.

The applicant/agent must demonstrate that any adverse impacts can be mitigated and, where applicable, that suitable residential amenity is achieved or maintained.

Proposals will be considered in relation to their locality and context within the city centre.

Policy H2 (Mixed Use Areas) of the ALDP states:

Applications for development or change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area and avoid direct conflict with the adjacent land uses and amenity... where new industrial, business or commercial uses are deemed appropriate, development should not adversely affect the amenity of people living and working in the area.

The proposed change of use would see a long-term vacant commercial premises within the city centre reoccupied for a new use. The new use would therefore enhance the vitality and viability of the city centre and increase the mix of uses on George Street, in accordance with Policy 27(a) NPF4. The new use would also operate in the daytime and evening periods, in accordance with the aims of Policy VC1 of the ALDP and the City Centre Masterplan (CCMP). The re-use of a vacant commercial unit is also compliant, in principle, with the aspirations of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4.

However, whilst the conversion of the vacant commercial premises for a new use is generally acceptable in principle, Policies 27(c) of NPF4 and VC1 and H2 of the ALDP all require new development in the city centre and in a mixed use area respectively to avoid adverse impacts to the amenity of neighbouring land uses, particularly residential properties.

Noise and other impacts on amenity

Policy 23 (Health and Safety) of NPF4 and Policy WB3 (Noise) of the ALDP both state a presumption against noise generating development proposals that would have an unacceptable impact on the amenity of neighbouring, noise sensitive land uses such as housing. They also state that in cases where noise emissions are likely to occur, a Noise Impact Assessment will be required to accompany a planning application.

The applicant has submitted a Noise Impact Assessment (NIA) in support of the application which concludes that, subject to the implementation of various mitigation measures (predominantly comprising physical works to minimise the escape of noise from the premises, including meeting sound reduction criteria for noise transmissions to the above property via acoustic ceiling insulation and installing perimeter seals to external door frames), the levels of noise emitted by both machines and customers within the premises would not adversely affect the amenity of any neighbouring uses, in particular the residential flats on the first and second floors above the application property.

The Council's Environmental Health Service have reviewed the applicant's NIA and accept its findings, subject to the implementation of the recommended mitigation measures. As such, the Council considers that the risk of noise emissions from within the proposed use causing harm to the amenity of neighbouring uses would be minimal. It is thus considered that the proposed use itself would not cause any significant detriment to the amenity of any neighbouring uses in terms of noise emissions and the proposal is thus compliant with Policies 23 and WB3 of NPF4 and the ALDP respectively.

In addition to noise, the Council's Harmony of Uses Interim Aberdeen Planning Guidance states in relation to the protection of residential amenity:

The protection of the living conditions of residents in close proximity to any proposed hot food shops, liquor licensed premises, amusement centres, amusement arcades and casinos will form a major consideration in assessing applications of this nature. These uses can generate unacceptable levels of noise, vibration, odours, traffic disturbance and litter. It is therefore important that such uses are controlled or restricted to protect residential amenity.

Noise and vibrations generated from cooking and essential extraction equipment in hot food shops and noise generated from music in liquor licensed premises and in amusement centres, amusement arcades or casinos, along with increased levels of customer movement, can cause disturbance to residents.

It is not usually considered acceptable to locate a hot food shop, liquor licensed premise, amusement centre, amusement arcade or casino directly adjacent or beneath residential properties.

Applications within close proximity to residential units will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of noise, vibration, odours, traffic disturbance, litter or hours of operation as a result of the proposed premises.

Although the Harmony of Uses Interim APG states that amusement centres and arcades will not usually be considered acceptable beneath residential properties, as noted above, noise emissions from within the proposed use are considered unlikely to be an issue. Furthermore, the adult gaming centre would not have a kitchen, nor would it have a liquor license. Therefore, aspects that could generally affect amenity such as odour and litter are not considered to be an issue in this instance, nor would internal noise from customers, as may be the case with licensed premises.

However, the applicant proposes to operate the gaming centre on a 24-hour, seven days a week

basis. Therefore, whilst internal noise transmission within the building to the residential properties on the upper floors may not be an issue, the proposed 24-hour operation could result in the comings and goings of customers frequenting the premises during the quieter, more sensitive early morning periods. Although the applicant's Noise Impact Assessment also includes an assessment of external noise emissions from customers in early morning periods, based on noise surveys undertaken outside six existing Merkur Slots premises in England, and considers that the level of noise made by customers outside those premises during the surveys was generally of a low-level, the Planning Service queries the relevance of the data gathered in the NIA in relation to the proposal on George Street, which is contextually different from the other sites surveyed in the NIA. The majority of the sites surveyed in England as part of the NIA would appear to be located in busier environments than George Street (typically high streets), both in terms of road traffic and other late-night uses such as public houses and hot-food takeaways, thus resulting in a higher level of ambient background noise.

Customer activities outside the premises have the potential to result in increased noise emissions from customers' voices and although the application site lies within the city centre, the section of George Street in which the application property sits is relatively quiet in the late evening and early morning periods, with the vast majority of commercial uses in the surrounding area being Class 1A (Shops and financial, professional and other services) uses which are closed in the evening periods. There is just one restaurant (Rishi's) and two hot-food takeaways on the stretch of George Street between Loch Street to the south and John Street to the north (which close by 12:30am at the latest), with no public houses, bars or nightclubs on the section of George Street containing the application site. Furthermore, due to the pedestrianised nature of the southern end of the street and the natural barrier to vehicular traffic posed by the nearby Bon-Accord Shopping Centre, George Street is also relatively quiet in the late evening and early morning hours in terms of road traffic.

As such, the Planning Service considers that the potential for noise emissions from customers arriving and departing from the proposed use on George Street could cause harm to the amenity of the residential properties in the surrounding area, despite the conclusions of the applicant's NIA. The Planning Service therefore considers that a condition restricting the opening hours of the proposed use to between 7am in the morning and 12am (midnight) on any given day is necessary and reasonable, and would not nullify the benefit of the permission.

Therefore, subject to the aforementioned condition restricting the opening hours of the proposed use to between 7am and 12am on any given day, combined with the implementation of the mitigation measures recommended in the applicant's Noise Impact Assessment, it is considered that the proposed use would not have any significant adverse impacts on the amenity of any neighbouring land uses, including existing housing, in accordance with Policies 23 and 27 of NPF4 and H2, VC1 and WB3 of the ALDP. The proposals are also generally compliant with the Council's Harmony of Uses Interim APG.

Impact on the character of the area

No external alterations to the building or the shopfront are proposed, therefore the change of use would not adversely affect the visual character or appearance of the area.

Policy 27(c) of NPF4

The application site lies within an area of streets including and surrounding George Street which is not identified as being particularly deprived on the [Scottish Index of Multiple Deprivation map](#) although the area does score poorly for crime and housing. There are no other existing amusement arcades / adult gaming centres in the immediate surrounding area, therefore the proposed change of use would not result in the overprovision or clustering of such uses. Although the adult gaming centre would offer forms of gambling to customers, which is known to have potential implications for

the health and wellbeing of communities (particularly deprived communities), the operator's model is one of machines with small maximum stakes (typically 10p to £2). Furthermore, the authorised use of the unit is as a betting shop and despite having lain vacant for 4 years, the premises could therefore be reoccupied as a betting shop without permission. Any potential harm caused to the health and wellbeing of the surrounding community as a result of the proposed use would therefore be negligible, taking into consideration the extant authorised betting shop use of the property. The proposals are therefore considered to be compliant with Policy 27 of NPF4 despite some minor tension with the criteria set out in paragraph (c).

Transport & Accessibility

Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP both require new developments to be accessible via sustainable and active modes of transport such as public transport, walking, wheeling and cycling. Policy T3 (Parking) of the ALDP states that the principle of zero car parking will be applied to new developments in the city centre.

The application site is located on George Street, within the city centre and within walking distance of multiple public transport routes. As such, the proposed use would be accessible via a range of different transport modes, including sustainable and active travel, and the proposed development is thus compliant with Policies T2 and T3 of the ALDP. No dedicated car parking is available to the application property, nor is any proposed, in accordance with Policy T3 of the ALDP. Nevertheless, car parking is available nearby (particularly in the Bon-Accord Centre car park) should customers wish / need to drive.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Developments) of the ALDP both require new developments to have sufficient space for the safe and efficient storage and collection of general waste and recyclable materials generated by the proposed use.

The new use would have space within the back-of-house area in which any waste and / or recyclables generated by the use (which is likely to be minimal) could be stored and collected kerb-side by a private waste contractor when required. The proposed use is thus compliant with Policies 12 of NPF4 and R5 of the ALDP.

Tackling climate change, climate mitigation and biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate mitigation and adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

The proposed development is sufficiently small-scale such that it would not, in itself, make any direct difference to the global climate and nature crises, nor to climate mitigation and adaptation and the proposals therefore do not conflict with Policies 1 and 2 of NPF4.

Policy 3 (Biodiversity) of NPF4 requires proposals for local development *'to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.'* The proposed change of use is small-scale and the nature of the development is such that it does not offer any opportunities for on-site biodiversity gain, nor would any biodiversity gain be proportionate to the

nature and scale of the intended works. It is thus considered that the proposals are acceptable despite some minor tension with Policy 3 of NPF4.

Matters raised by the Community Council and in representations

The majority of the concerns raised by the George Street Community Council and in the two objections received, particularly in relation to noise emissions, the proposed 24-hour operations and the impact of the use on the health and wellbeing of a deprived community are addressed in the foregoing evaluation. The remaining matters can be addressed as follows:

Smoking and anti-social behaviour

The potential for customers of the premises to smoke or undertake anti-social behaviour outside the property, or in the doorways of neighbouring properties, is not a material consideration that can feasibly be controlled by the Planning Service and such matters are covered by separate legislation. Nevertheless, the Planning Service concurs that noise emissions from customers arriving at and departing from the premises (irrespective of their behaviour) could result in noise emissions to the detriment of residential amenity in the early morning periods. Thus the aforementioned restriction on the opening hours is recommended.

Policy 27 (g) of NPF4

Paragraph (g) of Policy 27 in NPF4 states:

Development proposals for city or town centre living will take into account the residential amenity of the proposal. This must be clearly demonstrated where the proposed development is in the same built structure as:

- i. a hot food premises, live music venue, amusement arcade/centre, casino or licensed premises (with the exception of hotels, restaurants, cafés or off licences); and/or*
- ii. there is a common or shared access with licenced premises or other use likely to be detrimental to residential amenity.*

Paragraph (g) of Policy 27 relates to proposals for city centre living only, rather than to proposals for amusement arcades and it is thus not considered to be relevant to the proposed change of use. The impact of the proposed use on residential amenity is nevertheless covered by the assessment of the proposals against other policies, including paragraph (c) of policy 27.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed change of use would see a new commercial leisure use occupy a long-term vacant unit, which would enhance the vitality and viability of the city centre and its day and evening-time economy offering and footfall, in accordance with the aims of Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4), Policy VC1 (Vibrant City) of the Aberdeen Local Development Plan 2023 (ALDP) and the City Centre Masterplan.

Although the Council's Harmony of Uses Aberdeen Planning Guidance (APG) states that amusement arcades should not generally be sited within the same building as residential uses, the applicant's Noise Impact Assessment demonstrates that the proposed use would not directly harm the amenity of any neighbouring uses, including the above residential properties, in terms of noise emissions - subject to the implementation of appropriate mitigation measures. As such, and subject to a condition restricting the operating hours of the proposed use to protect the amenity of neighbouring properties from external noise emissions from customer arrivals and departures during the more sensitive early morning periods, the use would not have any significant detrimental impact on amenity, in accordance with Policies 23 (Health & Safety) and 27 of NPF4 and Policies VC1, H2 (Mixed Use Areas) and WB3 (Noise) of the ALDP.

The proposed adult gaming centre would not result in the overprovision or clustering of such uses in the George Street area and, taking into consideration the existing authorised betting shop use of the premises, the proposals would not harm the character of the area nor the health and wellbeing of the local community, in accordance with Policy 27(c) of NPF4.

The proposed development would have sufficient means for the adequate storage and collection of any waste and recyclables generated, in accordance with Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP. The application site lies adjacent to the city centre and in a sustainably accessible location, in accordance with Policy 13 (Sustainable Transport) of NPF4, T2 (Sustainable Transport) and T3 (Parking) of the ALDP.

The proposed development, comprising the change of use of an existing property, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals, therefore the proposed development is compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. There is no opportunity to enhance on-site biodiversity, therefore the proposals are acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.

CONDITIONS

(1) DURATION OF PERMISSION

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

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

(2) OPENING HOURS

The hereby approved use shall only operate between the hours of 7am and 12am (midnight) on any given day.

Reason: In order to preserve the amenity of neighbouring residential properties during more sensitive early morning hours.

(3) IMPLEMENTATION OF NOISE MITIGATION MEASURES

The hereby approved use shall not operate unless the noise mitigation measures recommended in the approved Noise Impact Assessment have been implemented. The mitigations measures shall include:

1. The separating floor between the premises and the property above shall (as a minimum) meet the specification and associated sound reduction criteria detailed in Appendix D;
2. During fitout, mechanical and electrical (M&E) structures affixed to the underside of the floor shall be checked to ensure they are secure and not likely to come loose causing holes and any new M&E penetrations shall be fully sealed up with mortar so flanking paths do not occur;
3. Perimeter seals shall be installed around the frame of the external door and at the bottom to prevent unnecessary sound transmission to the outside. The door shall also incorporate an automatic closer system; and
4. The provisions in the Operational Management Plan (Appendix E) shall be adhered to throughout the lifetime of the development.

Reason: In order to preserve the amenity of neighbouring residential properties in relation to noise emissions.

ADVISORY NOTES FOR APPLICANT

(1) INTERNAL ADVERTISEMENTS

The applicant is reminded of Class V of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 with regard to advertisements located within buildings, which states:

Class V: Advertisements within Buildings

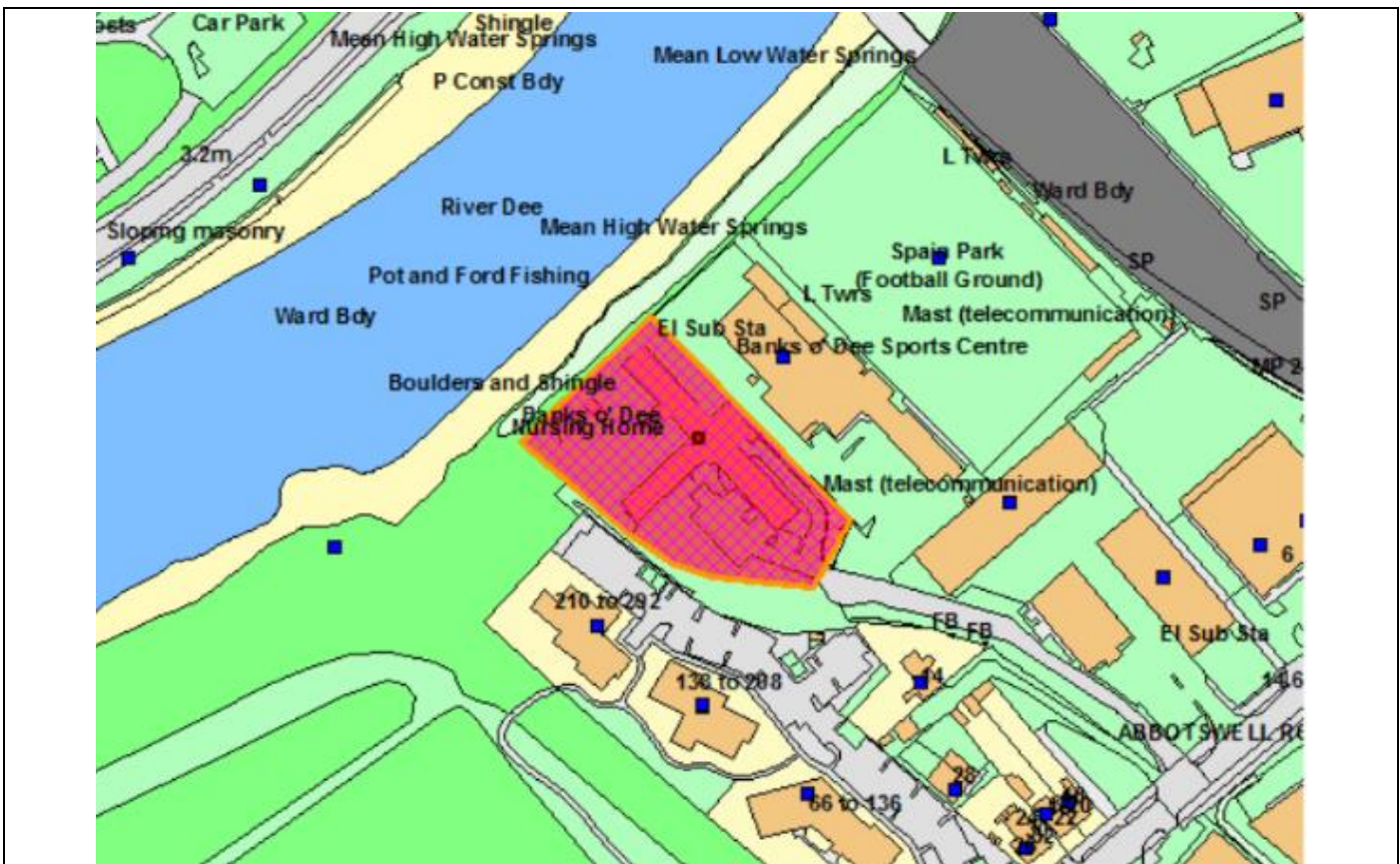
Advertisements displayed within any building and not exempted from these regulations by virtue of regulation 3(2):

- *Maximum height of letters or figures: 0.75 metres*
- *Maximum height above ground level of highest part of advertisement: 4.6 metres*
- *Other conditions:*
 - (i) when illuminated not to incorporate any moving feature or animation*
 - (ii) Any one advertisement not to be more than 250sq centimetres in area*
 - (iii) Any group of such advertisements not to total more than one-tenth of the area of the door or window within which they are displayed*

Any advertisements placed in or behind the shopfront window of the new use that do not comply with regulation 3(2) or Class V of *The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984* will require Advertisement Consent.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 2 November 2023</p>

Site Address:	Former Banks O' Dee Nursing Home, Abbotswell Road, Aberdeen, AB12 3AB
Application Description:	Change of use of from class 8 (residential institutions) to form 24no. affordable flats, including formation/replacement of doors and windows; installation of cladding, and alterations to the car park and garden ground with associated works
Application Ref:	230685/DPP
Application Type	Detailed Planning Permission
Application Date:	8 June 2023
Applicant:	Mosaic Microliving United Kingdom Limited
Ward:	Kincorth/Nigg/Cove
Community Council:	Torry
Case Officer:	Alex Ferguson



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RECOMMENDATION

Approve Conditionally & Legal Agreement

APPLICATION BACKGROUND

Site Description

The application site comprises the building and curtilage of the former Banks o' Dee Nursing Home, a 2-storey late 20th Century, pitch-roofed building with an approximately 'T'-shaped footprint, situated within a c. 5,000sqm plot of land 135m to the north-west of Abbotswell Road. The building has lain vacant and boarded up since ceasing to function as a nursing home in 2019. The site is bound to the north-east by the Banks o' Dee Sports Centre, which includes Spain Park - the home of Banks o' Dee Football Club. The River Dee flows to the north-west of the site at a lower level and a small burn which feeds into the Dee runs along the southern and western edges of the site, with a modern flatted housing development beyond to the south west. An unadopted access road serves both the site and the adjacent sports centre from Abbotswell Road. The road incorporates a painted pedestrian route on its north-eastern side. The site and the wider area to the east is zoned in the Aberdeen Local Development Plan 2023 as Business and Industrial Land and business and industrial units (a mix of Class 4: Office, 5: General Industrial and 6: Storage and Distribution uses) lie between the site and Abbotswell Road, to the east of the application site.

Relevant Planning History

961356 – Planning permission was approved in 1996 for the erection of a nursing home for the elderly and for a new clubhouse for the adjacent football club.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought to change the use of the former nursing home building to form 24 residential flats, with associated alterations to the external appearance of the building, car parking, bin store, boundary treatments and landscaping.

The physical works to the existing building and its curtilage would involve the following:

- Stripping of the existing building's external walls and the installation of new walls, windows and doors;
- Removal of the existing two storey projection on the building's eastern elevation;
- Extension and alteration of the existing car parking area in the front curtilage to provide a total of 24 parking spaces;
- Installation of new boundary treatments, including timber fencing to delineate private garden areas and a 2.m high close-boarded timber fence along the eastern boundary of the site, to provide an acoustic barrier to the adjacent sports centre;
- Removal of 10no trees and the planting of 10no new trees and other soft landscaping; and
- Formation of a bin store.

Operational Statement

The applicant has submitted an Operational Statement which notes that, once the physical works for which permission is sought have been implemented, the intention would be for the flats to be occupied by individuals with care needs, some complex, and that care would be provided to the residents by members of staff. This application seeks permission for a fallback position to operate the flats as mainstream affordable housing, with no associated care provision, should the care element cease at any point in the future. The Planning Service considers that the intended use of

the building as a care facility does not require planning permission, as that use would fall within the existing authorised use of the property as a care home (Class 8 – Residential Institutions). This application seeks permission for the applicant's 'fallback' position of 24 mainstream residential flats (sui generis) to be operated as affordable housing and the application is thus assessed accordingly in the following evaluation.

Amendments

With the agreement of the applicant, the following amendments were made to the application following the initial submission:

- A Transport Statement, Operational Statement and a Statement Justifying the Loss of the Existing Care Home use were all submitted;
- An updated Drainage Impact Assessment & Flood Risk Assessment was submitted;
- Minor alterations were made to the proposed building's door and window openings, and to boundary treatments, including the installation of a close-boarded timber acoustic-barrier fence along the north-eastern boundary;
- An indicative pedestrian bridge link over the burn to the neighbouring residential site was incorporated into the plans, albeit it lies outwith the application site and would be subject to a separate planning application.

Renotification of neighbours was carried out as a result of the amendments made.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RVS6TZBZK7A00>

- Design & Access Statement
- Drainage Impact Assessment & Flood Risk Assessment
- Noise Impact Assessment
- Tree Survey
- Transport Statement
- Operational Statement
- Supporting Statement – Justification for loss of existing nursing home

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than five (sixteen) representations either objecting to, or raising concerns about, the proposed development have been received from third parties.

CONSULTATIONS

ACC - Developer Obligations – In order to mitigate the impact of the proposed development on existing local infrastructure and facilities, the following financial contributions will be required:

- Core Path Network - £9,374 (Core Path 85 – Tullos Park & Inverdee Pitches)
- Healthcare Facilities – £21,865.54 (Torry Medical Practice)

The application site is within the catchment areas for Kirkhill Primary School and Lochside Academy. Lochside Academy has sufficient capacity to accommodate additional pupils and although Kirkhill Primary School is expected to exceed its working capacity in the near future, on the basis that the proposed development would comprise 100% 1-bed units, no new pupils are expected to be generated.

As a landscaped sensory garden and communal external amenity space would be provided in the development, no off-site open space mitigation or contribution is required. No contributions are required towards Community Facilities or Sports & Recreation.

The proposed development would comprise 100% affordable housing (social housing operated by a Registered Social Landlord). The proposal has been discussed with the Council's Housing Team and is in the Strategic Housing Investment Plan (SHIP).

ACC - Schools Estates Team – The site falls within the school catchment areas for Kirkhill School and Lochside Academy. Whilst there is likely to be sufficient capacity at Lochside Academy to accommodate the number of pupils expected to be generated by the proposed development, pupil numbers at Kirkhill School are expected to exceed the school's capacity in the near future, and so a contribution from the developer may be required to assist with the cost of providing additional capacity at the school to accommodate pupils from the development.

ACC - Environmental Health – No objection, subject to the implementation of the mitigation measures recommended in the applicant's Noise Impact Assessment (Reference: 1029212314 – V1, Date: 8 June 2022) including:

- External wall construction to meet required acoustic performance;
- Roof construction to meet required acoustic performance;
- Installation of trickle vents to meet the stipulated acoustic performance;
- Application of kitchen extract grilles serving open-plan kitchen/dining or kitchen/living areas to meet the stipulated acoustic performance;
- Installation of a 2.2m high close-boarded fence positioned hard against the ground and free from any gaps, located at the top of the eastern site boundary embankment adjacent to the sports centre.

ACC - Structures, Flooding and Coastal Engineering – No objection. The findings of the applicant's Drainage Impact Assessment, Flood Risk Assessment and watercourse cross sections are accepted.

ACC – Housing Strategy – This development is to be 100% affordable housing. It will be owned by Hillcrest Homes and is included in the Strategic Housing Investment Plan and prioritised for funding through the affordable housing supply program.

It will provide specialist provision accommodation including wheelchair accessible homes. The Strategic Housing Investment Plan has a requirement that a minimum of 15% of all affordable housing should be provided as wheelchair accessible. Wheelchair accessible homes means homes suitable for wheelchair users to live in and should as a minimum comply with the design criteria indicated as a 'basic' requirement for wheelchair users, as outlined in Housing for Varying Needs and should include the design criteria indicated as 'desirable' (column 'D' in 'Summary of Design Criteria') wherever possible. Therefore, a minimum of 4 affordable homes should meet this requirement.

Police Scotland – The application site is currently a low/medium crime area. The main types of

crime which have been reported over the last 12 months are drugs, theft, vandalism, shoplifting, road traffic and fraud. Due consideration should be given to crime reduction measures during the construction phase. It is recommended that the architect liaises with the Police Scotland Architectural Liaison Officer for the purposes of designing out crime and the applicant is encouraged to attain a 'Secured by Design' award.

ACC - Roads Development Management Team – No objection, subject to conditions including the provision of the indicatively proposed pedestrian access bridge to the neighbouring residential development, which would allow use of the existing pedestrian facilities to access the public road and address existing issues of poor pedestrian connectivity to the site. The Roads Development Management team also advise the following:

Sustainable and active travel

- There are existing pedestrian facilities (footpaths and crossings) which allow access to a variety of amenities in the surrounding area, including shops, a pharmacy and public transport stops;
- Cycling around and into the site would be on the existing road carriageway. The applicant has provided a cycling isochrone map which shows that the city centre can be accessed within a 10 minute cycle from the site;
- The site is generally well served by public transport;
- One secure and covered cycle parking space is proposed per unit, with an additional two spaces for visitors. This exceeds the Council's guidelines and is acceptable.

Car Parking

- The site lies in an Outer City area and is not in a controlled parking zone;
- The applicant notes that there are 60 single bedrooms in the existing building, thus a capacity of 60 nursing home residents is assumed. An online news article noted 55 staff members at the nursing home in 2019 – therefore there is a shortfall in car parking for the current authorised use, with only 20 spaces on the site at present;
- 19 car parking spaces are required for the 24 affordable flats proposed (0.8 spaces per unit). 24 spaces would be provided, including 2 disabled bays, which is a slight overprovision as per the Council's guidelines;
- On balance the number of car parking spaces proposed can be accepted and it has been confirmed that they would meet the minimum dimensions;
- One passive EV space is proposed per unit but more active EV charge points will be required in order to meet recent changes to Building Standards requirements. Should EV charge points be required the position of these should be agreed with the RDM team;

Vehicular access and trip numbers

- Vehicular access to the site is via the existing unadopted road shared with the sports centre and football club. As this is an existing situation which cannot be enhanced, there would be no net detriment and the vehicular access is acceptable;
- A comparison of the proposed use with the existing authorised Class 8 (nursing home) use shows that the proposed development would have a very similar amount of vehicle trips to and from the site at peak times as the authorised use;

Residential Travel Pack

- A Residential Travel Pack should be agreed with the Council and issued to the occupants of

the flats upon entry;

Waste Management

- A swept path analysis drawing has been submitted which demonstrates that bins could be adequately and safely collected within the site by refuse vehicles.

Drainage

- Where there is new hard standing (car parking) the proposal is for this to drain via sheet flow to new porous paving. Water will then filter through the subbase, where it will be attenuated and treated before being conveyed to the outfall pipes discharging into the existing surface water drainage system. The applicant has shown this mitigation measure outweighs the pollution indices. This is acceptable.

Scottish Water – No objection, however the applicant should be aware that this does not confirm the proposed development can currently be serviced. Scottish Water is unable to confirm capacity currently in the Invercarnie Water Treatment Works therefore the developer should submit a Pre-Development Enquiry to Scottish Water. There is currently sufficient capacity in the Nigg Waste Water Treatment Works to service the development.

ACC - Waste And Recycling – No objection. The proposed development would be provided with:

- 2 x 1280l general waste bins (128cm x 145cm x 100cm)
- 2 x 1280l co-mingled recycling bins (128cm x 145cm x 100cm)
- 1 x food waste container for each bin store
- 24 x kitchen caddies and caddy liners (one for each property)

The aforementioned bins shall be purchased by the developer and made available for residents upon occupation.

Torry Community Council – No response received.

REPRESENTATIONS

A total of sixteen representations have been received, all objecting to the application. Four representations were received following renotification, three of which were additional comments from parties who had already objected. The matters raised in the representations received are summarised as follows:

- Improper development of land zoned for business and industry
The proposed development is contrary to Policy B1 (Business and Industrial Land) of the Aberdeen Local Development Plan (ALDP) as residential use would be out of character with the area and conflict with the adjacent Banks o' Dee sports facility.
- Impact on the operations and viability of on neighbouring uses
The application site lies within an employment area and the proposed residential development would be noise-sensitive, thus increasing the potential for complaints related to noise emissions from the adjacent sports facility (which operates gym classes and other activities, including football matches, from 5:30am to 11pm, 7 days a week) to harm its operations and viability, contrary to Policy CF1 (Existing Community Sites and Facilities) of the ALDP.

- Impact on amenity of future residents
Noise emissions from the adjacent sports facility would harm the amenity of residents in the proposed development, contrary to Policies 23(e) (Health and Safety) of NPF4 and WB3 (Noise) of the ALDP.
- Traffic generation, road and pedestrian safety
The access road to the site from Abbotswell Road is already at capacity and would be insufficient as a pedestrian connection to a residential development, particularly given its narrow width and already heavy use by the adjacent sports facility. The proposed development would thus increase traffic above the capacity of the access road and result in road and pedestrian safety issues
- Car parking
There is insufficient car parking proposed, which would lead to overspill car parking by residents in the adjacent sports facility's car park, to the detriment of their operations
- Impact on character of the area
The proposed development would adversely affect the character of the area and would not meet the six qualities of successful places – contrary to Policy 14 (Design Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP.
- Loss of existing nursing home facility
There is a shortage of care / nursing homes and similar facilities in Aberdeen, therefore the change of use should not be granted and no supporting evidence has been provided to justify the loss of the existing facility, contrary to Policy WB4 (Specialist Care Facilities) of the ALDP.
- Security, health and safety
The proposed development would cause security issues and would have a negative impact on the wellbeing of young people and children using the adjacent sports facility.
- Noise Impact Assessment limitations
The applicant's Noise Impact Assessment does not include football (Banks o' Dee) matchdays and with the club having in excess of 7 teams in the Scottish Highland League, noise from the stadium will adversely affect residents.
- Impact on trees
Several trees would be felled in order to accommodate car parking – contrary to net-zero ambitions. The existing trees should be retained.
- Wheelchair access
There is nothing on the plans about wheelchair accessible homes and the current access road is unsuitable for wheelchair access.
- Lack of consultation with neighbours
The lack of consultation with neighbours in the pre-application and planning process is rude and disrespectful.
- Maintenance of the communal access road
The communal access road has been maintained and improved at the expense of the sports facility and the owner of the former nursing home has not contributed in any way, nor entered into any dialogue in relation to the maintenance of the road.

- Impact on fundraising for the adjacent sports facility
The redevelopment of the application site for residential use would result in donors and sponsors of the adjacent sports facility withdrawing their financial support which is heavily relied upon for the maintenance and enhancement of the facility.
- Burden on permitted use
There is a burden on the use of the property as a nursing home which should be honoured by the Council.
- Fire risk of external cladding
The cladding to be applied to the renovated building would pose a fire risk.
- Pedestrian bridge link to neighbouring residential site
The proposed pedestrian bridge link would exacerbate existing parking issues (with residents parking at the sports centre) and increase anti-social behaviour, with the Police already attending the neighbouring flatted development on a regular basis. Despite the bridge, the reality is that many people will continue to access the proposed development site by car and traffic congestion will be made worse overall.
- Pedestrian bridge – procedure
The proposed pedestrian access bridge would require a separate planning application and it would be premature to approve the current application on the basis of a bridge link which may or may not obtain consent. As such, no weight should be attached to the proposed pedestrian access as a solution to the issues highlighted by the Roads Development Management team.
- Pedestrian bridge – Land ownership
The Banks o' Dee Football Club claim to own the land between the proposed development site and the burn over which the applicant proposes to construct a bridge and it is their intention to use that land for parking and a turning facility for buses. The bridge would require development on land the applicant does not own and which is not under its control. Should the Council be minded to approve the application, a negative suspensive condition should be attached requiring the applicant to acquire the necessary property rights over the land in question before commencing development.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4 (NPF4)

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)
- Policy 19 (Heat and Cooling)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023 (ALDP)

The following policies are relevant –

- Policy B1 (Business and Industrial Land)
- Policy CF1 (Existing Community Sites and Facilities)
- Policy C11 (Digital Infrastructure)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy H3 (Density)
- Policy H4 (Housing Mix and Need)
- Policy H5 (Affordable Housing)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy R8 (Heat Networks)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy WB3 (Noise)
- Policy WB4 (Specialist Care Facilities)

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Affordable Housing
- Amenity
- Open Space and Green Infrastructure
- Space Standards
- Transport and Accessibility
- Trees and Woodland

Supplementary Guidance

- Planning Obligations

EVALUATION

Principle of Development

Business and Industrial Land zoning

The application site lies within Business and Industrial Area, as zoned in the Aberdeen Local Development Plan 2023 (ALDP). Policy B1 (Business and Industrial Land) of the ALDP states:

'Land zoned for business and industrial uses on the Proposals Map, including already developed land, shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types. Other uses which may be suited to a business and industrial location, such as car showrooms and bus depots, shall be treated on their own merits. The expansion of existing uses within these locations will be permitted in principle.

Where business and industrial areas are located beside residential areas, we will restrict new planning permissions to Class 4 (Business). Buffer zones, which are appropriately sized and landscaped, may be required to separate these uses and safeguard residential amenity. Low amenity 'bad neighbour' uses must have regard to surrounding uses and their potential impact on the environment and existing amenity. In all cases, conditions may be imposed restricting levels of noise, hours of operation and external storage'

Although the site lies within a Business and Industrial Area and the building is currently vacant, its authorised use is as a nursing home (Class 8 – Residential Institutions). Therefore, the Policy B1 presumption in favour of the retention of Class 4, 5 and 6 uses is not applicable to this application. Furthermore, the immediately neighbouring property to the north-east, comprising Spain Park (home of Banks o' Dee Football Club) and the Banks o' Dee Sports Centre, comprises a mix of uses within Class 11 (Assembly and Leisure), including indoor and outdoor sports and recreation. As such, the neighbouring site is also not in Class 4, 5 or 6 use therefore the Policy B1 presumption against development of conflicting types that could harm the operations of such uses is also not applicable in this instance.

The nearest business and industrial uses (Classes 4, 5 or 6) comprise a cluster of business and industrial units situated at least 30m to the east of the site, between it and Abbotswell Road. These units face away from the application site however and due to their orientation relative to the application site, the separation distance and the segregated accesses from Abbotswell Road, it is considered that the amenity of the proposed new residential use of the application site would not be adversely affected by the operations of those uses, and in turn, those uses would be adequately safeguarded from the noise-sensitive nature of the proposed new residential use.

The Planning Service thus considers that although new residential development will often not be appropriate within a business and industrial land zoning, there is nothing within Policy B1 of the ALDP which explicitly precludes residential use, provided no existing business and industrial uses would either be lost or adversely affected. The specific context of the application site, its authorised Class 8 use and the Class 11 use of the neighbouring site are such that the proposed residential use of the application site is not contrary to Policy B1.

Whilst Class 11 uses (and other non-Class 4, 5 or 6 uses) are not specifically afforded protection by Policy B1, the safeguarding of the operations of the adjacent sports centre is nevertheless a material consideration that is assessed later in the evaluation.

Loss of an existing specialist care facility

Policy WB4 (Specialist Care Facilities) of the ALDP states:

'Proposals for new residential care facilities (such as Care Homes, Nursing Homes, Sheltered Living) should;

- 1. Be well-connected; located close to public transport links and community amenities for residents and staff, and provide visitor parking; and*
- 2. Meet design and amenity standards in line with other types of 'residential' developments.*

Proposals for the redevelopment, or Change of Use, of an existing development of this nature should be accompanied by sufficient supporting evidence justifying the loss of such a facility.'

As per the requirements of Policy WB4, the applicant has submitted a supporting statement to justify the loss of the existing nursing home. Although authorised for use as a nursing home (Class 8 – Residential Institutions), the property has lain vacant since 2019, therefore the proposal would not result in the loss of an operational specialist care facility, but rather a building authorised, in Planning terms, for continued / reinstated Class 8 use.

Furthermore, the applicant's statement notes that since the closure of the nursing home in 2019, no care operator has been willing to take over operation of the site and to resume a nursing / care home business. Upon the closure of the nursing home, all the tenants were re-homed in nearby care homes which has a significant number of spare rooms. The applicant advises that other nursing homes operating in the region remain under capacity, with data taken from the 'Care Home Census for Adults in Scotland' published in 2021 detailing the 56 care homes in Aberdeen City operating at 81% occupancy.

The Planning Service is satisfied that not only would an existing nursing home facility not be lost, with the building having lain vacant for over four years, but that there has been no interest from any parties in reinstating care/nursing home use in the meantime and that there is spare capacity in the existing care homes in Aberdeen City, therefore the 'loss' of the existing facility has been adequately justified and the proposals are not contrary to the intentions of Policy WB4.

Policy CF1 (Existing Community Sites and Facilities) of the ALDP states:

This policy applies to both land zoned as CF1 and to health, education and other community facilities located within other Local Development Plan zonings. The following existing uses shall be used primarily for that use and/ or related purposes;

- *Healthcare sites;*

- *Nursery, primary, secondary and special school land and properties;*
- *Further education and research institute sites;*
- *Community buildings such as libraries, community halls, and recreational centres*

Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle.

Specialist care facilities are not specifically defined as comprising 'Existing Community Sites and Facilities' either within Policy CF1 or in the supporting text within the ALDP. As such, it is considered that the redevelopment of the vacant nursing home building would not be contrary to Policy CF1.

Housing on land not allocated for housing in the LDP

Policy 16 (Quality Homes) of NPF4 states:

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and*
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;*
- iii. and either: -*
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or*
 - the proposal is consistent with policy on rural homes; or*
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or*
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.*

In relation to criterion (i), the applicant has advised that, should planning permission be granted, the intention is to commence development as soon as possible.

In relation to criterion (ii), as noted above the proposed development is not contrary to Policy B1 of the ALDP due to the site-specific context. The site lies in a relatively accessible location, within 20 minutes' walking distance of amenities including Kincorth Community Centre and nearby shops (including food retailers Tesco and Lidl on Wellington Road) and further local amenities in the Torry area. The site also lies within 400m of the nearest bus stop on Wellington Road which is served by regular bus services to the city centre. As such, whilst not comprising a site specifically allocated for housing in the ALDP, the application site is considered to be otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods.

In relation to criterion (iii) of Policy 16, the proposal is both for a small-scale opportunity within an existing settlement boundary and would also deliver less than 50 affordable homes, included within the Aberdeen Strategic Housing Investment Plan (SHIP).

The proposed development is therefore considered to be compliant with the requirements of Policy 16 of NPF4.

Re-use of brownfield land and empty buildings

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 states:

'a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.' and

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 12 (Zero Waste) of NPF4 states that development proposals will be supported where they reuse existing buildings and infrastructure.

The proposed development would re-use an existing building which has lain vacant since 2019. Although the façades of the existing building would be stripped, with new external walls, windows and doors installed, the works would not involve a wholesale demolition and rebuild approach, nor would any extensions to the existing building be required, therefore the proposals are considered to be inherently sustainable and generally compliant with the aims of Policies 9 and 12 of NPF4.

Impact on existing community facilities

Although the vacant nursing home is not considered to comprise an existing community site or facility, as per the definitions set out within Policy CF1 it is considered that the adjacent sports centre comprises a recreational centre (albeit a privately owned one, rather than a public facility) that could be considered to be afforded some protection by Policy CF1, which states:

'Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle.'

It is therefore necessary to ensure that the proposed redevelopment of the vacant nursing home site would be compatible with (not adversely affect the operations of) the adjacent sports centre and football ground.

The Planning Service considers that the main aspect of the proposed development which could affect the viability of the neighbouring sports centre and football ground is the noise-sensitive nature of the proposed residential use. With the sports centre and football ground hosting noise generating uses, such noise emissions could lead to noise complaints from future residents of the proposed development that could, in-turn, affect the operations and viability of the sports centre and football club.

The potential impact of noise emissions from the sports centre and football club on the amenity of the residents of the proposed development is set out in the 'Amenity for residents' section of the evaluation below but to summarise, the applicant has submitted a Noise Impact Assessment which concludes that subject to the implementation of various mitigation measures, the noise emissions from the sports centre and football club would not adversely affect the amenity of the residents of the proposed development. Therefore, it is considered that noise complaints that could affect the operations and viability of those uses are not likely to arise.

The sports centre and football club have also raised concerns in relation to the impact that the

proposed use would have on car parking, with the potential for increased usage of the sports centre & football club car park by residents or visitors not attending the sports centre or football ground. An assessment of the implications of the proposed development on car parking is made in the 'Transport and Accessibility' section of the evaluation below but to summarise, additional parking spaces are proposed within the application site and the new use would likely have less onerous parking requirements than the existing authorised use of the site as a 60-bed nursing home (with associated staff and visitors). As such, the impact of the proposed use on car parking demand, and the associated potential for indiscriminate overspill parking, is not considered to be an issue when taking into consideration the existing authorised use of the site and the relatively small-scale nature of the development proposal (24 flats). The amount of car parking to be provided is also in excess of the guideline amount for affordable flats as set out in the Council's Interim Transport & Accessibility Aberdeen Planning Guidance.

There are no other factors related to the proposed development which the Planning Service considers would harm the viability or operations of the neighbouring sports centre and football club, therefore the redevelopment of the vacant nursing home building for mainstream residential use would not be contrary to Policy CF1.

Amenity for residents

Space standards, daylight receipt, outlook and privacy

Policy D2 (Amenity) of the ALDP sets out various criteria which new residential development should meet, in order to ensure that its occupants would benefit from a satisfactory quality of residential amenity. These criteria include:

Residential developments will also:

- *ensure that occupiers are afforded adequate levels of privacy;*
- *ensure minimum standards for internal floor space and private external amenity space in terms of quantity and quality;*
- *provide no less than 50% usable amenity space where it is necessary to provide car-parking within a private court. Underground and/or decked parking will be expected in higher density schemes;*
- *ensure minimal shading of external private and public spaces;*
- *ensure all residents have access to usable private/ semi-private open spaces and sitting-out areas provided by way of balconies, terraces, private or communal gardens;*
- *have a private face to an enclosed garden or court to ensure a sense of safety and enclosure.*

In terms of privacy, all of the ground floor level flats would be dual aspect and privacy buffer planting strips would be placed in front of all 'front' elevation windows onto communally accessible areas, in order to maximise privacy for occupants, whilst all ground floor units would also have access to, and overlook, their own private garden areas to the rear. None of the flats would be overlooked from any neighbouring properties, including the adjacent sports centre, as a 2.2m high acoustic barrier timber fence to the eastern boundary would prevent any overlooking into windows and garden areas from the sports centre car park.

The Council's Interim Aberdeen Planning Guidance (APG) on Space Standards generally seeks a minimum internal floor area of 52sqm for a one-bedroom dwelling. However, the APG also notes that reusing and converting existing building stock is encouraged, as a more sustainable approach than demolition and rebuild, and advises that the Council may need to take a flexible approach to space standards due to the often constrained nature of converting existing buildings. The ground

floor flats would all meet the minimum space standard expected by the APG, with unit sizes ranging between 57sqm and 72sqm. On the first floor level however, the majority of the flats would be smaller than the guideline minimum, with most of the flats ranging between 45sqm and 49sqm in size. Albeit lower than the guideline minimum floor size of 52sqm, the first floor level flats would not be significantly smaller than the guideline minimum and their size is dictated, to an extent, by the existing floorplates and position of stairwells in the building. Given the sustainable re-use of the existing building, the relatively minor deficit in internal floor areas for the majority of the first floor level flats is considered to be acceptable.

Whilst the ground floor flats would all benefit from a dual aspect outlook, all of the flats at first floor level would have a single-aspect outlook. Whilst desirable for all residential units to be dual aspect, the single aspect layout at first floor level is largely dictated by the existing floorplates and the position of stairwells. The provision of access to multiple stairwells for all first floor flats for escape purposes, combined with the limited width of the building, necessitates a single-aspect layout, with a communal corridor running along one side of each of the three wings. Whilst single-aspect, the first floor level layout has been designed to maximise the amenity of the occupants, with flats only facing either south or west (not north), thus they would all receive direct sunlight at varying times of the day.

The outlook of all the flats would also be acceptable, with a mix of dual aspect flats at ground floor level, with their own private gardens, and single aspect flats at first floor level with elevated outlooks over the front and rear curtilages. In addition to the private garden areas for the ground floor flats, there would also be a communal garden area of a reasonable size within the sheltered rear curtilage which could be used by all residents for sitting out. All of the flats would either have their own private access door or they would be accessed via the communal main entrance, lobby and stairwell. Both the front and rear curtilages would be overlooked by windows of flats and communal hallways, thus ensuring an adequate sense of safety and enclosure.

It is therefore considered that, on balance, the occupants of the proposed flats would benefit from a satisfactory level of amenity and the proposals are thus considered to be acceptable and generally in accordance with the criteria set out in Policy D2 of the ALDP and the associated interim APG.

Open Space

Policy NE2 (Green and Blue Infrastructure) notes that biodiverse, useable and appropriate open space will be required in new developments, including on brownfield sites, although the potentially constrained nature of brownfield sites will be taken into consideration if it is not possible to meet the on-site open space standards set out in the Council's interim Aberdeen Planning Guidance on Open Space and Green Infrastructure. The Open Space and Green Infrastructure interim APG seeks a minimum of 2.8 hectares of open space per 1,000 people in new residential developments. With 24 one-bedroom flats proposed, the number of people estimated to be likely to live in the development would be 31 (24 x 1.3), thus equating to an open space requirement of 868sqm of open space. The useable area of open space to the rear of the building would be approximately 900sqm in size, with further unusable areas of tree and shrub planting also to be provided within the development. The proposed development would thus provide sufficient useable open space, in accordance with Policy NE2 of the ALDP and the associated interim APG. The site is also within walking distance of a large area of public open space in the nearby Tullos Park on Abbotswell Road, close to the River Dee.

Noise

Policy 23 (Health and Safety), paragraph (e) of NPF4 and Policy WB3 (Noise) of the ALDP both seek to ensure that noise sensitive developments, such as new housing, would be adequately protected from noise emissions generated by neighbouring noisy uses, with paragraph (e) of Policy

23 noting that the 'agent of change' principle applies to noise sensitive development. The adjacent sports centre and football club are operational for large parts of the day, seven days a week, (5.45am to 10pm, Monday to Thursday, with similar albeit slightly reduced hours Friday to Sunday - according to the sports centre's website) and the nature of the various uses of the facility (including gym classes with amplified music, indoor sports, outdoor football practice and competitive matches) is such that there is a level of noise emissions from the site that could be harmful to the amenity of the future occupants of the proposed residential development. A Noise Impact Assessment (NIA) was submitted and its findings demonstrate that, without mitigation, some of the properties in the new development (those with windows facing towards the sports centre) would suffer an adverse amenity impact as a result of noise emissions from the adjacent sports facility.

However, the NIA recommends that, subject to the implementation of various mitigation measures, including: the installation of a 2.2m high close-boarded timber acoustic fence along the mutual boundary between the application site and sports centre, and new external wall construction and window specifications in the proposed conversion to meet minimum sound reduction criteria, any noise emitted from the sports facility would be sufficiently reduced at the nearest new residential properties such that they would not be adversely affected to any significant degree. The Council's Environmental Health Service have reviewed, and accept, the findings of the applicant's NIA. A condition is attached requiring all of the noise mitigation measures to be implemented prior to the occupation of any units.

In addition to the aforementioned noise mitigation measures, the building's internal layout has also been designed to minimise any noise disturbance from the adjacent sports centre and football stadium, with no first floor flats proposed to have any outlook or windows on the building's eastern elevation, whilst the ground floor level flats with windows on the eastern elevation would be set on lower ground than the sports centre, and would thus be afforded a level of noise protection by the acoustic fencing to be installed along the raised mutual boundary. The site is bound to the northwest by the River Dee and to the south-west by a tree belt, with housing beyond, therefore no adverse noise emissions are expected from those directions. Whilst there are industrial units situated in relatively close proximity to the east of the site (c. 45m from building to building), the buildings face the opposite direction to the application site (south-east) and with no openings on the side or rear walls of the nearest industrial building, no significant noise emissions are anticipated from that direction.

The Planning Service is therefore satisfied that, subject to the implementation of the mitigation measures recommended in the NIA via condition, the proposed residential flats would all benefit from a satisfactory level of amenity in terms of protection from external sources of noise, in accordance with the requirements of Policies 23 of NPF4 and WB3 of the ALDP.

Summary

The Planning Service considers that, taking into consideration the benefits and constraints of re-using and converting the existing building, as opposed to a less sustainable demolition and rebuild approach, all of the proposed flats would benefit from a satisfactory quality of residential amenity, in accordance with the requirements of Policies D2, NE2 and WB3 of the ALDP, as well as Policy 23 of NPF4.

Design Quality and Placemaking

Policy 14 (Design, quality and place) of NPF4 requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 of NPF4 and Policy D1 (Quality Placemaking) of the ALDP require all new development to comply with the six qualities of successful places. The qualities of successful placemaking differ slightly

between NPF4 and the ALDP, therefore as the ALDP was adopted more recently, it takes precedence in the event of any difference in policy between the two documents. The proposed development can therefore be assessed against each of the six qualities of successful placemaking as defined in Policy D1 of the ALDP as follows:

- Distinctive

The proposed development would retain and re-use the existing building, with a modern wall cladding system to be applied to enhance the building's appearance. The absence of any new-build elements would ensure that the development would not have any adverse impacts on the streetscape or wider cityscape, including on key views along the River Dee. Most existing trees within the site would be retained and supplemented with new tree planting and soft landscaping, proportionate to the scale and nature of the development.

- Welcoming

The building would incorporate new windows and doors, and it would have attractive and clearly defined entrances, thus giving the building an appropriate frontage and providing legible wayfinding throughout the site.

- Safe and pleasant

The internal layout of the building has been designed to ensure that all public areas would be sufficiently overlooked, thus maximising natural surveillance and active frontages at ground floor level, and minimising opportunities for crime and anti-social behaviour. Private gardens would be provided for all ground floor flats and all residents would have access to a large and sheltered communal lawn area to the rear. The new boundary treatments would all be of a domestic scale and appearance, such that they would not detract from the character or visual amenity of the area.

- Easy to move around

It is acknowledged in the following sections of the evaluation that the unadopted access road serving the site from Abbotswell Road does not meet current guidelines for pedestrian footway width and segregation from the road carriageway, nor is there a satisfactory means of safe pedestrian crossing over the road between the painted pedestrian walkway and the entrance to the application site. However, and subject to an acceptable scheme being granted permission separately and subsequently implemented, the Roads Development Management team considers that an indicatively proposed pedestrian bridge link between the site and the neighbouring residential development to the south-west, over the unnamed burn, would provide a satisfactory safe means of pedestrian access between the site and Abbotswell Road. The proposed development itself would be easy to move around, with external pedestrian footpaths and access to both private and communal garden areas.

- Adaptable

The proposed development has been designed so that the ground floor units would all be wheelchair accessible, if required.

- Resource efficient

The proposed development would convert and re-use an existing building and brownfield site

to provide new affordable housing in a sustainable and accessible location, within walking, wheeling and cycling distance of public transport and various other amenities such as shops, open space and employment land.

To summarise, the proposed development would re-purpose an existing vacant building to provide affordable housing in a sustainable and accessible location. The existing building is not of any particular architectural merit and the refurbishment and recladding of the building would represent a visual enhancement to the localised streetscape, without harming any key views in the wider surrounding area. The development is considered to be generally compatible with the six qualities of successful placemaking, as set out in Policy D1 of the ALDP, and it would improve the quality of the area, in accordance with Policy 14 of NPF4.

20-minute neighbourhoods

Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4 requires development proposals to contribute to local living including, where relevant to 20-minute neighbourhoods. Facilities and amenities outlined in Policy 15 as contributing towards successful 20-minute neighbourhoods include: public transport and safe walking, wheeling and cycling networks, employment, shopping, health facilities, schools, open space and affordable housing.

The application site lies within 400m of bus stops on Wellington Road which serve the city centre. Within 20 minutes' walking distance of the application site there are shops (including two food retailers: Tesco and Lidl), cafés, Torry Medical Practice and Tullos Park, amongst other facilities and amenities. It is thus considered that the proposed development would be sufficiently connected to, and within relatively easy reach of, various facilities and amenities, in accordance with the aims of Policy 15 of NPF4.

Transport & Accessibility

Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport) of the ALDP require developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Policy T3 (Parking) states that low and zero car developments will be supported in suitable locations where there is adequate access to sustainable and active travel. Where this is not possible, development shall be required to comply with the parking standards set out in Aberdeen Planning Guidance: Transport and Accessibility.

Public transport, pedestrian safety and accessibility

The application site lies approximately 140m from Abbotswell Road and 275m walking distance from Wellington Road, where there are bus stops served by regular bus services to and from the city centre and the south of the city. The site is accessed from Abbotswell Road via an unadopted private road which also serves the adjacent sports centre and football ground. The road does not meet current guidelines for adopted road carriageway and pavement widths however, with the pedestrian walkway comprising a narrow strip painted along the north-eastern edge of the carriageway. Although the road is not particularly heavily trafficked, it does see a reasonable volume of traffic throughout the day due to the nature and opening hours of the sports centre and Spain Park. As such and combined with the lack of an appropriate means of pedestrian crossing over the road at the entrance to the application site, the Council's Roads Development Management (RDM) team consider that the site would not be appropriately and safely accessible to and from Abbotswell Road on foot by future residents if only using the existing pedestrian access. Following the concerns raised by the RDM team, the applicant submitted indicative proposals to demonstrate how a new pedestrian bridge link could be installed over the burn adjacent to the entrance to the application

site, linking it with the existing residential development (owned and operated by Hillcrest Homes) to the south. As the indicatively proposed bridge link and associated works to the car park area of the neighbouring development to the south fall outwith the current application site boundary, those works would require a separate planning permission. The RDM team are satisfied that, subject to further details of the indicative bridge link as part of a separate application and its subsequent installation if approved, the bridge would enable a satisfactory and safe means of pedestrian access (including for disabled users) to the application site from Abbotswell Road. The Planning Service is therefore satisfied that, subject to a 'Grampian' condition prohibiting the occupation of the proposed development until such time as an appropriate bridge link (or such other safe means of pedestrian access as may be deemed acceptable) has been formed, the development would be capable of being accessed safely by walking, wheeling and cycling. 100% secure and covered cycle parking would be provided within the building at ground floor level.

Therefore, as the site lies within walking distance of public transport and the wider adopted pedestrian footpath networks, it would be sufficiently accessible by sustainable and active modes of transport, in accordance with Policies 13 of NPF4 and T2 of the ALDP.

Car Parking

The application site lies in an Outer City Area, as defined in the Council's Transport & Accessibility Interim Aberdeen Planning Guidance (Interim Transport & Accessibility APG). Although the site lies within walking distance of public transport services and various facilities and amenities, it is acknowledged that residents of the proposed development may be likely to own cars and the provision of dedicated off-street parking is thus desirable. The Interim Transport & Accessibility APG incorporates a guideline figure of 0.8 car parking spaces per unit for housing association / social rented housing developments in the Outer City. The car parking requirement for the 24 housing association flats therefore equates to 20 spaces (rounded up from 19.2). The proposed development would incorporate 24 car parking spaces, including two disabled bays. As such there would be a slight overprovision as per the Interim APG guidance but the small amount of additional spaces is minimal and would facilitate one space per unit.

At present there are 20 car parking spaces within the application site and although the building has lain vacant for several years its authorised use is as a nursing home. The vacant nursing home is understood to incorporate approximately 60 bed spaces and shortly before it closed in 2019, the nursing home had 37 residents and 55 permanent staff. The Planning Service is therefore satisfied that not only does the site lie within walking distance of public transport services and various other facilities and amenities, but that the proposed development would incorporate sufficient car parking for the number of flats proposed, in excess of the guideline requirements of the Interim Transport & Accessibility APG, and also the amount of parking required for 24 affordable flats is likely to be less (potentially significantly so) than the authorised use of the building as a nursing home, which could be resumed / reinstated without permission. It is thus considered that sufficient car parking would be provided for the proposed development and that there would not likely be any significant impacts on parking supply for neighbouring uses, particularly the adjacent sports centre and football ground. The proposals are therefore compliant with Policy T3 (Parking) of the ALDP.

Planning Obligations

Policy 18 (Infrastructure First) of NPF4 and Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP both require any deficiencies in local public facilities or infrastructure that would arise as a result of a proposed new development to be addressed via the payment of financial contributions, where necessary. The Council's Developer Obligations team has reviewed the proposals in line with the Council's Planning Obligations Interim Supplementary Guidance and in consultation with various stakeholders, and they advise that financial contributions are required in

order to offset the impact of the proposed development on local healthcare facilities (Torry Medical Practice) and the core path network (Core Path 85: Tullos Park and Inverdee Pitches). The applicant is agreeable to paying the required contributions, which would be secured via a Section 75 legal agreement, should Committee resolve to approve the application.

In terms of Education, the application site is within the catchment areas for Kirkhill Primary School and Lochside Academy. Lochside Academy has sufficient capacity to accommodate additional pupils and although Kirkhill Primary School is expected to exceed its working capacity in the near future, on the basis that the proposed development would comprise 100% 1-bed units, no new pupils are expected to be generated, therefore no education contribution is sought.

As a landscaped garden and communal external amenity space would be provided in the development, no off-site open space mitigation or contribution is required and no contributions are required towards Community Facilities or Sports & Recreation.

Therefore, subject to the conclusion of a legal agreement to secure the aforementioned healthcare facilities and core path contributions, the proposed development is considered to be acceptable in accordance with the requirements of Policies 18 of NPF4 and I1 of the ALDP.

Affordable Housing

Policy 16 (Quality Homes) of NPF4 and Policy H5 (Affordable Housing) of the ALDP require 25% of all housing developments of 5 or more units to be provided as affordable housing. The proposed development would comprise 100% affordable housing (social housing operated by a Registered Social Landlord - Hillcrest). The proposal has been discussed with the Council's Housing Team and is in the Strategic Housing Investment Plan (SHIP), therefore the proposed development would significantly exceed the minimum 25% affordable housing requirement as set out in Policies 16 and H5. Due to the housing mix of the development being entirely 1-bed flats, and thus not fully in accordance with the requirements of Policy H3 (Housing Mix) of the ALDP (see below), all of the units shall be secured as affordable housing in perpetuity, via the Section 75 legal agreement.

Density

Policy H3 (Density) of the ALDP states that: *'The Council will seek an appropriate net density of development on all housing allocations and windfall sites. Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space.'*

Policy H3 doesn't specify a minimum density for residential developments on sites under one hectare in size, but notes that sites over one hectare in size should have a minimum density of 50 dwellings per hectare, with higher densities expected within the city centre, on public transport nodes and on brownfield sites.

The site is approximately 5,000sqm in size and with 24 flats proposed, that equates to a density of approximately 48 dwellings per hectare. Such a density is considered to be compatible with the Policy H3 minimum density sought for larger sites and would represent the efficient and sustainable re-use of the existing building on an accessible brownfield site. Given the development would comprise 100% 1-bed flats, it would not be possible to increase the density further without new-build elements. The proposals are thus considered to be of a satisfactory density considering the context of the site and the surrounding area, in accordance with Policy H3.

Housing Mix

Policy 16 (Quality Homes) of NPF states:

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. self-provided homes;*
- ii. accessible, adaptable and wheelchair accessible homes;*
- iii. build to rent;*
- iv. affordable homes;*
- v. a range of size of homes such as those for larger families;*
- vi. homes for older people, including supported accommodation, care homes and sheltered housing;*
- vii. homes for people undertaking further and higher education; and*
- viii. homes for other specialist groups such as service personnel.*

Policy H4 (Housing Mix and Need) states:

'An appropriate housing mix is expected in housing developments to reflect the diverse housing need in the area; this includes older people and disabled people. Where possible, housing units should demonstrate a design with accessibility and future adaptability in mind.

For smaller developments (fewer than 50 units), a suitable mix of dwelling types and tenure will be provided in the interests of placemaking and local housing need and demand.'

Although the flats would all be 1-bed units, they would include a large number (50%) of wheelchair accessible units and the proposed development would comprise 100% affordable flats, to be operated by Registered Social Landlord, Hillcrest. The Council's Housing Strategy team have advised that the proposed development is included within the Council's Strategic Housing Investment Plan (SHIP) and that there is demand for 1-bed flats in the city, with two and three-bed flats in low demand for social rent. Therefore, based on the current need for 1-bed social-rented flats in the city, the lack of a mix of dwelling types and tenure for the proposed development is considered to be acceptable in the instance, in accordance with Policy 16 of NPF4 and despite some minor conflict with the aims of Policy H4 of the ALDP.

Natural Heritage

Policy 4 (Natural Places) of NPF4 and Policy NE3 (Our Natural Heritage) of the ALDP both require new developments which would be likely to have a significant effect on an existing European site (Special Area of Conservation - SAC) to be subject to an "appropriate assessment" in order to identify the implications of the development for the conservation objectives of the SAC.

The River Dee is a European Special Area of Conservation (River Dee SAC) and it flows west to east adjacent to the north-western boundary of the application site, with a small unnamed burn, a tributary to the Dee, running along the southern and western edges of the site. As such, a Habitat Regulations Appraisal screening exercise was undertaken in order to ascertain the potential impacts of the proposed development on the qualifying features of the River Dee (salmon, otter and freshwater pearl mussel). The HRA screening identified that as the application site is a brownfield site and the proposed development would comprise the refurbishment and conversion of the existing building, with no new-build elements, it would not be likely to have any significant effects on the qualifying features of the River Dee SAC. As such, no Appropriate Assessment was required. Any potential impacts of the indicatively proposed pedestrian bridge link would be assessed separately as part of any future planning application for the bridge.

Therefore, given the brownfield nature of the site, no protected species are considered likely to be present on the application site and the proposals are therefore compliant with Policies 4 and NE3.

Trees

Policy 6 (Forestry, Woodland and Trees) of NPF4 states that development proposals will not be supported where they will result in:

- i) *any loss of ancient woodlands, ancient or veteran trees, or adverse impact on their ecological condition; and*
- ii) *adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.*

Policy NE5 (Trees and Woodland) of the ALDP states that: *'development should not result in the loss of, or damage to, trees and woodlands... Where tree removal takes place or is necessary for good arboricultural reasons, replacement planting will be required to ensure an overall net gain in tree cover. Development that does not achieve this will not be supported.'*

The site is not covered by a Tree Protection Order but nevertheless, it is preferable to retain as many existing trees within and bordering the site as possible, as per the aims of Policies 6 and NE5. A total of 10 trees are proposed to be felled. However, all of the trees are noted in the applicant's Tree Survey as being semi-mature, with two category 'B' trees (moderate quality and value), four category 'C' trees (low quality and value) and four category 'U' trees (any existing value would be lost within 10 years, therefore could be removed for arboricultural management reasons).

The removal of the existing trees is required either in order to facilitate the development (by removing blockages to internal daylight receipt and facilitating the enlargement of the existing carpark), or because some of the existing trees are of a low quality and value. As part of the development it is proposed to plant ten new replacement trees (two Cherry, three Whitebeam, four Crab Apple and one Holly Oak) in the rear curtilage, adjacent to the unnamed burn that runs along the western edge of the site. The requirement to remove the existing trees is justified and considered to be acceptable on the basis of the proposed indicative replacement planting scheme, further details of which can be secured by condition. Therefore the Planning Service is satisfied that, subject to the submission of a detailed soft landscaping scheme, including the planting of additional trees within the site, the proposals would be acceptable in accordance with Policies 6 and NE5.

The area of proposed expansion of the existing car park to the front of the building would result in new development taking place within portions of the root protection areas of some trees along the southern edge of the site, adjacent to the unnamed burn. This tree belt forms an important localised landscape feature which helps to visually soften and break-up the streetscape of the surrounding area which is otherwise relatively built-up and hard-landscaped. The applicant has provided details of a 'no-dig' construction method for the partial excavation of the existing area of topsoil that would be required in order to facilitate the expansion of the car park. Further, precise details of the construction works are required by condition, in order to ensure that there would not be any significant adverse impacts to the roots of the adjacent trees which could harm their longevity, either in terms of direct damage or compaction. The use of a geo-grid system with porous pavements should enable the car park area to be enlarged without causing significant harm to the existing trees. Therefore, subject to approval of further details secured via condition, the proposals are acceptable in accordance with Policies 6 and NE5.

Landscaping

Policy D5 (Landscape Design) of the ALDP requires development proposals to be designed with an effective, functional and attractive landscape framework supported by clear design objectives, with the level of detail appropriate to the scale of development.

The vast majority of the existing established tree belt that runs along the southern and west edges of the site would be retained and whilst some existing trees would require to be felled, they are not generally of any significant quality or value. The proposed development would also incorporate new shrub and meadow-mix flower planting to both the front of the building and within privacy buffer shrub margins in front of ground-floor level front-elevation windows. Given the relatively constrained, brownfield nature of the site, and the need for useable areas of communal open space, it is not possible to incorporate a significant amount of new landscaping but nevertheless, the Planning Service is satisfied that, subject to further details in a detailed soft landscaping scheme via condition, the development could be appropriately landscaped, in accordance with the requirements of Policy D5 of the ALDP.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate mitigation and adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

The proposed development is relatively small-scale such that it would not, in itself, make any significant direct difference to the global climate and nature crises, nor to climate mitigation and adaptation. However, the proposed development would repurpose an existing building in an accessible location within the existing Aberdeen settlement boundary for a reasonable number of affordable residential flats, which would make a contribution towards addressing housing need in the city and reducing future pressure on the release of further greenfield land elsewhere within the city for housing in less sustainable locations. Furthermore, the existing building's walls and roof would be upgraded to meet current building regulations in terms of energy efficiency and it is therefore considered that the development would be inherently sustainable and could indirectly help to tackle the climate crisis and present opportunities to minimise greenhouse gas emissions and the proposals are therefore compliant with Policies 1 and 2 of NPF4.

Policy 3 (Biodiversity) of NPF4 requires proposals for local development *'to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.'* The proposed works predominantly relate to the conversion of the existing building but as part of the proposals, new private garden ground areas would be formed, along with a communal garden area within the rear curtilage. Although some trees would be felled to facilitate the development, they would be replaced with new trees in the rear curtilage, along with associated hedge and shrub planting. The proposals would thus likely provide a minor biodiversity gain for the site compared to the existing situation and it is therefore considered that the proposals are acceptable in accordance with Policy 3 of NPF4.

Flooding and drainage

Policy 22 (Flood Risk and Water Management) of NPF4 and Policy NE4 (Our Water Environment) of the ALDP both require new development to not be at risk of flooding and be adequately drained, thereby not increasing the risk of flooding to any neighbouring properties. The policies also require new developments to connect to the public sewer for foul drainage and for surface water to be drained sustainably on-site, without connecting into the public combined sewer network.

The applicant has submitted a Drainage Impact Assessment document which advises that the proposed development would be drained as at present, with additional car parking areas to be surfaced with porous pavements that would allow an attenuated discharge rate of surface water into the existing surface water sewer. The existing building drainage would remain in place, therefore the development would be adequately drained and would not pose a flood risk to any neighbouring properties. Scottish Water have confirmed to the applicant that there is sufficient capacity in both the Invercannie Water Treatment Works and the Nigg Waste Water Treatment Works to service the proposed development.

Although bordering the River Dee, the application site sits on higher ground and is not at risk of flooding from the Dee. The small, unnamed burn which runs along the southern and western edges of the site is occasionally prone to some flooding but as with the Dee, the application site lies on higher ground and is not affected by any flooding of the burn. The applicant has submitted a Flood Risk Assessment which concludes that the application site is not at risk of flooding, nor would the proposed development heighten the risk of flooding to either the application site or any neighbouring properties. The findings of the applicant's Drainage Impact and Flood Risk Assessments are accepted by the Council's Flooding team.

Subject to a condition requiring further details of the proposed underground drainage network to attenuate and dispose of surface water falling on new areas of hardstanding within the site, it is considered that the proposed development would not be at risk of flooding and would be adequately drained, ensuring no increased risk of flooding to any neighbouring uses – all in accordance with Policy 22 of NPF4 and NE4 of the ALDP.

Waste Management

Policies 12 (Zero Waste) of NPF4 and R5 (Waste Management Requirements for New Development) of the ALDP require all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

The Council's Waste Strategy team have advised that the development would require to accommodate 2 x general waste bins, 2 x general waste bins (all 1280l) and one food waste container. A bin store large enough to accommodate the aforementioned bins is proposed to be erected towards the front of the site and a swept path analysis drawing demonstrates that a bin lorry would be able to enter and exit the site in a forward gear. As such, the proposals are compliant with Policies 12 and R5.

Low & Zero Carbon buildings, and water efficiency

Policy 19 (Heat and Cooling) of NPF4 states:

- (f) *Development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.*

The proposed development would see dual aspect flats created on the ground floor, all of which would have appropriate sustainable temperature management by virtue of their orientation and ability to naturally cross ventilate. The first-floor level flats, whilst single aspect, would all face either to the south-east or south-west and as such, they would all receive direct sunlight at some point during the day. Due to their orientation, they would benefit from passive solar gain, which would help to reduce heating demand and associated lifecycle greenhouse gas emissions. The proposals are thus considered to be compliant with the requirements of Policy 19 of NPF4.

Policy R6 (Low and Zero Carbon Buildings and Water Efficiency) of the ALDP requires new buildings to demonstrate that a proportion of the carbon emissions reduction target set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies and to reduce pressure on water abstraction from the River Dee through the incorporation of water saving technologies. The low & zero carbon and water efficiency technologies are not applicable to changes of use or the conversion of existing buildings however, thus the proposed development is acceptable, in accordance with Policy R6.

Policy R8 (Heat Networks) of the ALDP requires developments (including conversions exceeding 1,000sqm floorspace) within the city centre and/or within an identified heat network zone to connect to an existing heat network provide an alternative form of on-site sustainable heating or cooling. Although the building exceeds 1,000sqm in floor area, the site does not lie within the city centre and at the time of writing no Aberdeen Planning Guidance has yet been produced in relation to Heat Networks, therefore Policy R8 is not applicable to the proposed development.

Digital Infrastructure

Policy C11 (Digital Infrastructure) of the ALDP requires all new residential and commercial development to have access to modern, up-to-date high-speed communications infrastructure. The application site lies in an area of the city where high-speed broadband is known to be readily available. A condition is attached requiring all of the flats to have the ability to access to high-speed internet upon occupation, thus the proposals are acceptable in accordance with Policy C11.

Suicide Risk

Policy 23 (Health and Safety), paragraph (f) of NPF4 requires development proposals to be designed to take into account suicide risk. The proposed development would not incorporate any particular features that would increase the risk of suicide, being a low-rise residential development with appropriate associated landscaping and boundary treatments. The proposals are thus considered to be generally acceptable and in accordance with Policy 23(f) of NPF4.

Healthy Developments

Policy 23 of NPF4 states that development proposals that will have positive effects on health will be supported, whilst Policy WB1 (Healthy Developments) of the ALDP states that: *'Developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing.'*

The proposed development would create 100% affordable housing, the ground floor flats of which would each have access to their own private garden areas, whilst all flats would also have access to the large, sheltered communal garden area to the rear of the building. The development would have an outlook onto an established tree belt to the south and west, and over the River Dee to the north-west, and the natural setting of the expansive Tullos Park would be short distance away by foot. The Banks o' Dee sports facility adjacent to the site could also be easily utilised and accessed by occupants of the proposed flats for physical activity and sports participation, should they wish. The proposals are thus considered to be generally compliant with the requirements of Policy 23 of NPF4 and Policy WB1 of the ALDP.

Matters raised in representations

The majority of the matters raised in representations received from third parties are addressed in the foregoing evaluation. The remaining matters not addressed above, are each addressed, in turn,

as follows:

- *Improper development of land zoned for business and industry*

The proposed development is contrary to Policy B1 (Business and Industrial Land) of the Aberdeen Local Development Plan (ALDP) as residential use would be out of character with the area and conflict with the adjacent Banks o' Dee sports facility.

Response: As noted above, the proposed development is not contrary to the requirements of Policy B1 of the ALDP, which does not specifically exclude residential development, nor any other form of development, provided existing Class 4, 5 and 6 uses would neither be lost or adversely affected by proposed development. The adjacent Banks o' Dee sports facility does not incorporate any Class 4, 5 or 6 uses, therefore Policy B1 is not applicable in terms of the impact of the proposed development on its operations.

- *Traffic generation, road and pedestrian safety*

The access road to the site from Abbotswell Road is already at capacity and would be insufficient as a pedestrian connection to a residential development, particularly given its narrow width and already heavy use by the adjacent sports facility. The proposed development would thus increase traffic above the capacity of the access road and result in road and pedestrian safety issues

Response: Subject to the granting of a separate permission for the indicatively proposed pedestrian bridge link, residents would be able to use the bridge link to the neighbouring residential development, which would then provide a safe pedestrian route to Abbotswell Road and the surrounding adopted footpath network. The amount of vehicle trips generated by the proposed development is considered likely to be broadly similar to that of the authorised nursing home use for the site, therefore it is considered that there would not likely be any significant impacts on traffic and road safety.

- *Impact on character of the area*

The proposed development would adversely affect the character of the area and would not meet the six qualities of successful places – contrary to Policy 14 (Design Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP.

Response: The character of the surrounding area is mixed, with a mix of uses, building sizes and designs. The proposed works would enhance the localised visual amenity of the area and the proposed new use would not affect the character of the area. The proposals are considered to be compliant with the six qualities of successful places for the reasons set out in the foregoing evaluation.

- *Security, health and safety*

The proposed development would cause security issues and would have a negative impact on the wellbeing of young people and children using the adjacent sports facility.

Response: The Planning Service does not consider that the proposed development would cause security issues or have a negative impact on the wellbeing of any persons, including children. The proposed development would reoccupy a long-term vacant building that is currently boarded up and has the potential to attract anti-social behaviour in its current form.

The conversion of the building for residential use would reintroduce natural surveillance which would be a deterrent to anti-social behaviour.

- Noise Impact Assessment limitations

The applicant's Noise Impact Assessment does not include football (Banks o' Dee) matchdays and with the club having in excess of 7 teams in the Scottish Highland League, noise from the stadium will adversely affect residents.

Response: The applicant's Noise Impact Assessment includes noise data taken in conjunction with input from the adjacent sports centre, with amplified music played in two studios and the gym simultaneously with all windows wide open for ventilation purposes, to give a 'worst case' scenario for noise from the sports centre.

Whilst the NIA does not include noise data taken from football matchdays, including Banks o' Dee who play competitive fixtures in the Highland League, the Planning Service considers that any such noise produced by football practice and fixtures would be unlikely to exceed the 'worst case' scenario of noise generated by amplified music and activity from the gym, sports hall and studios, whose windows and some doors face towards the application site. The football pitch is situated on the opposite side (north-east) of the Spain Park main stand and the sports centre building. Therefore the risk of noise leakage from the football pitch (and spectators) towards the application site is not considered to be significant.

- Wheelchair access

There is nothing on the plans about wheelchair accessible homes and the current access road is unsuitable for wheelchair access.

Response: The ground floor flats have all been designed to be wheelchair accessible. Subject to the granting of a separate permission for the indicatively proposed pedestrian bridge link, residents with wheelchairs would be able to use the bridge link to the neighbouring residential development, which would then provide a safe pedestrian & wheelchair route to Abbotswell Road and the surrounding adopted footpath network.

- Lack of consultation with neighbours

The lack of consultation with neighbours in the pre-application and planning process is rude and disrespectful

Response: The proposed development is a local, rather than a major development and there is no statutory requirement for applicants to either engage with neighbours during the pre-application process, nor is there a requirement for pre-application consultation for local developments.

- Maintenance of the communal access road

The communal access road has been maintained and improved at the expense of the sports facility and the owner of the former nursing home has not contributed in any way, nor entered into any dialogue in relation to the maintenance of the road.

Response: Land ownership and shared maintenance liabilities are not material planning considerations.

- Impact on fundraising for the adjacent sports facility

The redevelopment of the application site for residential use would result in donors and sponsors of the adjacent sports facility withdrawing their financial support which is heavily relied upon for the maintenance and enhancement of the facility.

Response: Such matters are not material planning considerations.

- Burden on permitted use

There is a burden on the use of the property as a nursing home which should be honoured by the Council.

Response: Title deed and similar burdens are not material planning considerations.

- Fire risk of external cladding

Response: The alleged safety implications of the use of building materials and cladding are not material planning considerations and would instead be assessed by the Council's Building Standards team as part of any Building Warrant application.

- Pedestrian bridge link to neighbouring residential site

Response: The pedestrian bridge link over the adjacent burn, to the neighbouring residential development, would be sited outwith the application site and would therefore require a separate planning permission. Its presence on the plans for the current application are therefore for indicative purposes only. The merits of the indicatively proposed bridge link would be assessed fully in any separate planning application and a Grampian condition attached to the current permission, if approved, would prevent the development from being occupied unless the bridge link is installed.

- Pedestrian bridge – procedure

Response: The Planning Service is aware that the indicatively proposed pedestrian access bridge does not form part of the current application and will require a separate application. Condition 2 (Scheme for Safe Means of Pedestrian Access) prevents the development from being occupied until such time as an appropriate scheme for a safe means of pedestrian access to the site, agreed with the Planning Authority, has been implemented.

- Pedestrian bridge – Land ownership

Response: Land ownership is not a material consideration and any disputes over ownership and access rights would be a matter between the various parties involved. A negative suspensive condition is attached (Condition 2).

Heads of Terms of Legal Agreement

Should the Planning Development Management Committee resolve to approve the application, a Section 75 legal agreement shall first require to be concluded in order to secure the aforementioned financial developer obligations towards healthcare facilities and core paths, as well as securing all of the flats as affordable housing in perpetuity.

RECOMMENDATION

Approve Conditionally & Legal Agreement

REASON FOR RECOMMENDATION

The proposed change of use of the vacant nursing home building to form affordable residential flats would not result in the loss of any existing business or industrial uses, nor would the development harm the operations of any nearby business or industrial uses, therefore the proposals are not contrary to the aims of Policy B1 (Business and Industrial Land) of the Aberdeen Local Development Plan 2023 (ALDP). Although authorised for use as a nursing home (Class 8), the existing building has lain vacant since 2019 without any viable interest in resuming the authorised nursing home use. Furthermore, there is spare capacity in existing nursing / care homes in Aberdeen City, thus the loss of the existing facility has been adequately justified, in accordance with Policy WB4 (Specialist Care Facilities) of the ALDP. The proposed development would not adversely affect the operations or viability of the neighbouring sports centre and football club, in accordance with Policy CF1 (Existing Community Sites and Facilities) of the ALDP.

The provision of affordable housing, on a sustainably accessible site, which is included in the Aberdeen Strategic Housing Investment Plan, is acceptable in accordance with Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) and the sustainable re-use of a brownfield site, including a vacant building is compliant with the aims of Policies 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and 12 (Zero Waste) of NPF4.

A satisfactory level of amenity would, on balance, be afforded to the residents of the proposed development, in accordance with the requirements of Policy D2 (Amenity) of the ALDP and sufficient open space would be provided, in accordance with Policy NE2 (Green and Blue Infrastructure) of the ALDP. Subject to the implementation of mitigation measures, the residents of the development would not be significantly affected by any external sources of noise, in accordance with the requirements of Policy 23 (Health and Safety) of NPF4 and Policy WB3 (Noise) of the ALDP.

The development would be of an appropriate design quality for the application site context and would meet the six qualities of successful placemaking as set out in Policy 14 (Design, quality and place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP. The development would be in a sustainably accessible location, within walking and cycling distance of various amenities and facilities, in accordance with the aims of Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4. Subject to the delivery of a safe means of pedestrian access to the site via condition, the site would be accessible via sustainable and active modes of transport, in accordance with Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport) of the ALDP. Sufficient car parking would be provided for the proposed use, in accordance with Policy T3 (Parking) of the ALDP.

The development would exceed the 25% affordable housing requirement as set out in Policy 16 (Quality Homes) and Policy H5 (Affordable Housing) of the ALDP and developer obligations shall be secured to offset the impact of the development on local healthcare facilities and the core path network, in accordance with Policies 18 (Infrastructure First) of NPF4 and I1 (Infrastructure Delivery and Planning Obligations) of the ALDP.

The proposed development is also generally compliant with all other relevant policies in NPF4 and the ALDP in relation to: density, housing mix, natural heritage, trees, landscaping, climate change, biodiversity, flooding & drainage, waste management, digital infrastructure, suicide risk and healthy developments.

CONDITIONS

(1) DURATION OF PERMISSION

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

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

(2) SCHEME FOR SAFE MEANS OF PEDESTRIAN ACCESS

The development hereby approved shall not be occupied unless a scheme for the safe means of pedestrian and wheelchair access to and from the site from Abbotswell Road has been submitted to and agreed in writing by the Planning Authority and thereafter the approved scheme has been implemented in accordance with the agreed details, prior to the occupation of the development.

Reason: In order to ensure that the development can be accessed safely by walking and wheeling.

(3) NOISE MITIGATION

The development hereby approved shall not be occupied unless the critical noise mitigation measures set out in the 'Mitigation' section on Pages 17-20 of the approved Noise Impact Assessment (Couper Acoustics - Ref: 1029212314 – V1, Date: 8 June 2022) have been implemented in full.

Reason: In order to protect the residents of the development from external sources of noise and to protect the operations and viability of neighbouring commercial uses.

(3) EXTERNAL FINISHING MATERIALS

No development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interests of visual amenity.

(4) SOFT LANDSCAPING AND TREE PLANTING

No works in connection with the development hereby approved shall take place unless a scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained;
- (ii) The location of new trees, shrubs, hedges, grassed areas;
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (iv) An indication of existing trees, shrubs and hedges to be removed.
- (v) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed no later than the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

(5) HARD LANDSCAPING MATERIALS

No works in connection with the development hereby approved shall take place unless a scheme of hard landscaping works, including the surface materials to be used for all roads, car parking areas, footpaths and other areas of hard landscaping, has been submitted to and approved in writing by the Planning Authority. Thereafter no flat shall be occupied unless the works have taken place in accordance with the agreed details.

Reason: To ensure the use of satisfactory materials for the hard-landscaped aspects of the development.

(6) CAR PARKING

The development hereby approved shall not be occupied unless the car parking area has been laid out in accordance with the details shown on approved Bradley Craig Architects drawing D(0-)01 Revision H (Proposed Site Plan), or other such drawing as may be agreed in writing with the Planning Authority.

Reason: In order to ensure that sufficient car parking is provided for the development.

(7) BOUNDARIES

The development hereby approved shall not be occupied unless a detailed scheme of site and plot boundary enclosures (including all fences and walls) for the entire development has been submitted to and approved in writing by the Planning Authority. Thereafter the boundary treatments shall be installed in accordance with the agreed details prior to occupation.

Reason: in order to preserve the character and amenity of the area.

(8) ELECTRIC VEHICLE CHARGING POINTS

The development hereby approved shall not be occupied unless details of all electric vehicle charging points to be installed in the car parking area have been submitted to, agreed in writing with, the Planning Authority and the charge points have thereafter been installed in accordance with the agreed details.

Reason: In order to ensure that sufficient electric vehicle charging points would be provided, thus encouraging the use of sustainably powered vehicles.

(9) TREE PROTECTION

No development in relation to the extension of the car park shall take place unless a detailed cross-section and construction methodology for the areas of the extended car parking area that would be formed within the root protection areas of trees to be retained, as shown on the approved Tree Survey Site Plan drawing (Struan Dalgleish Arboriculture – March 2023 - Appendix 1), has been submitted to and agreed in writing with the Planning Authority. Thereafter the works shall not take place other than in accordance with the agreed details. All other works within the site shall not take place other than in accordance with the tree protection details set out in sections 4.3 and 4.4 of the approved Tree Survey.

Reason: in order to ensure adequate protection for the trees on site during the construction of the development.

(10) DRAINAGE INFRASTRUCTURE

No development shall take place unless a scheme of all new drainage infrastructure, designed to meet the requirements of Sustainable Urban Drainage Systems, has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the agreed scheme.

Reason: in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(11) WASTE MANAGEMENT

The development hereby approved shall not be occupied unless the bin store area shown on approved drawings D(0-)01 Revision H (Proposed Site Plan) and D(0-)05 Revision B (Proposed Elevations) has been constructed and the required bins (2 x 1280l general waste, 2 x 1280l mixed recycling and 1 x food waste container) have been installed and are made available for use by residents upon occupation.

Reason: In order to ensure that waste and recyclables generated by the development would be securely and hygienically stored pending collection.

(12) CYCLE PARKING

The development hereby approved shall not be occupied unless details of the cycle racks to be installed within the Ground Floor cycle store have been submitted to and approved in writing by the Planning Authority. Thereafter the cycle storage facility shall be provided as shown on approved drawing D(0-)02 Revision G (Proposed Ground Floor Plan) and with the approved racks installed prior to occupation.

Reason: In the interests of encouraging more sustainable and active modes of travel.

(13) RESIDENTIAL TRAVEL PACK

No unit shall be occupied unless a residential travel pack has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel

options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the occupants of every residential unit on occupation.

Reason - In order to reduce dependency on the private car for travel.

(14) BROADBAND CONNECTION

No unit shall be occupied unless a scheme for the provision of a full fibre broadband connection to each flat has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved and no flat shall be occupied unless provided with a full fibre broadband connection.

Reason: In order to provide all flats with access to high-speed communications infrastructure, in accordance with the requirements of Policy CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan 2023.

(15) EXTERNAL LIGHTING

The development hereby approved shall not be occupied unless a scheme for all external lighting within the development has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme.

Reason: In the interests of public safety.

ADVISORY NOTES FOR APPLICANT

(1) NOISE FROM CONSTRUCTION WORKS

Operations creating noise which is audible at sensitive receptors should not occur outside the hours of 7am to 7pm Monday to Friday and 8am to 1pm on Saturdays.

(2) BIN PROVISION

The 24 flats will be provided with:

- 2 x 1280l general waste container 128CM W X 145CM H X 100CM D (90cm minimum clearance to manoeuvre bins)
- 2 x 1280l co-mingled recycling container 128CM W X 145CM H X 100CM D (90cm minimum clearance to manoeuvre bins)
- 1 x food waste container for each bin store. 62CM W X 129.8CM H X 74CM D (80CM X 80CM (90cm minimum clearance to remove internal bin from front opening casing)
- 24 x kitchen caddy and caddy liners (for each property)

When planning bin stores, please take these measurements into account to ensure ease of use residents and collection for crew.

The following costs will be charged to the developer:

- Each 1280l bin costs £454.00
- Each food waste container costs £566.00
- Kitchen caddy and caddy liners £0.00
- A delivery of 10 or less bins will incur a £33 delivery fee.

No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

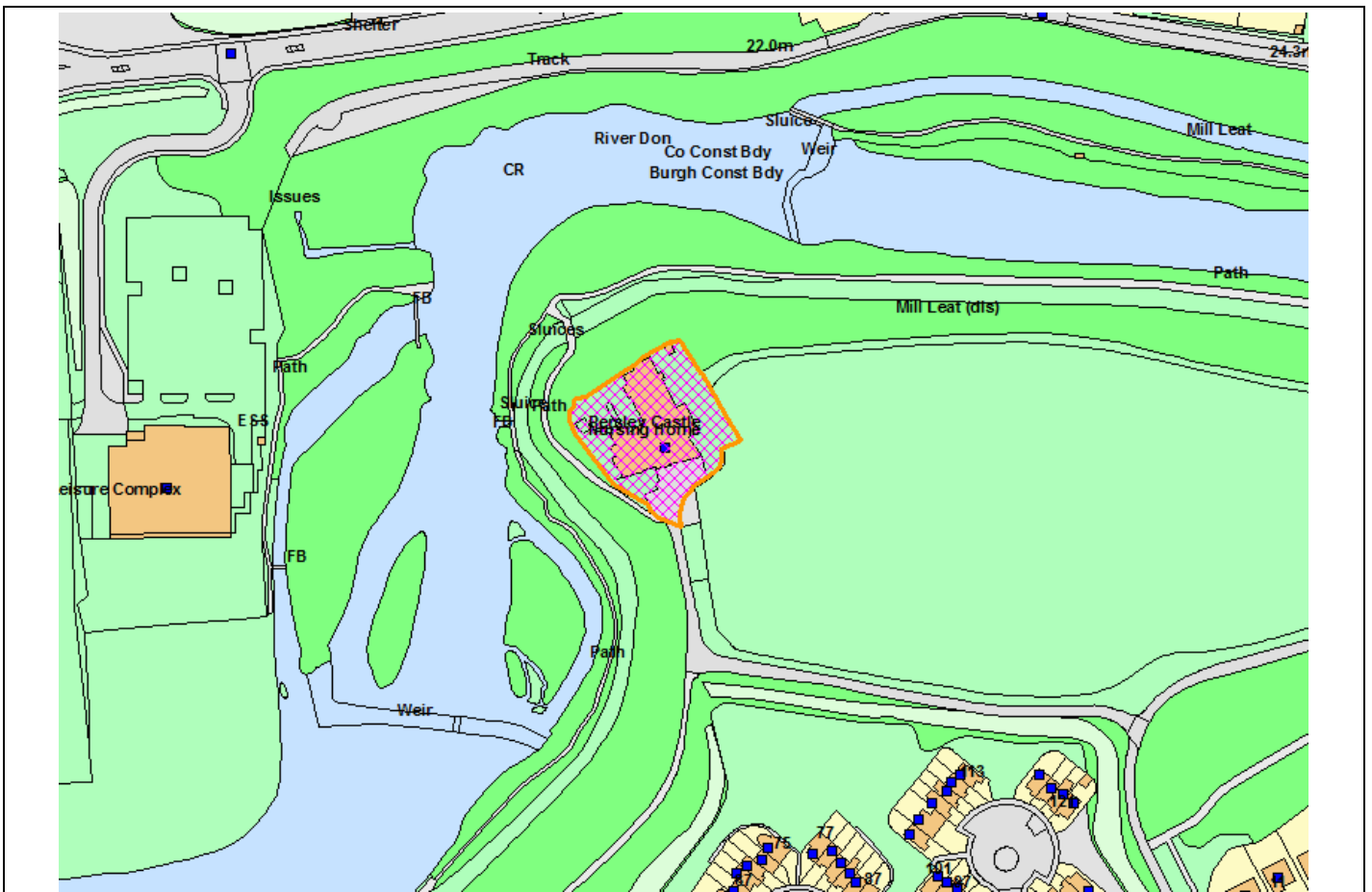
It is pertinent to note that these services will be provided taking account of the following:

- No excess should be stored out with the containment provided. This is fly tipping.
- If the bin store will be locked and/ or involve a barrier, 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.
- Large item collections can be arranged by visiting www.aberdeencity.gov.uk
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>
- Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied this is to ensure that bins are on site prior to residents moving into properties and to give enough time to register addresses on the CAG (Council Address Gazetteer) to allow for the development to be added to the refuse vehicle routes.
- A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.
- Please submit a PO for the bins you require.

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact wasteplanning@aberdeencity.gov.uk

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 2 November 2023</p>
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Site Address:	Persley Castle Care Home, Mugiemooss Road, Aberdeen, AB21 9XU
Application Description:	Lowering of sills and installation of windows.
Application Ref:	230351/LBC
Application Type	Listed Building Consent
Application Date:	21 March 2023
Applicant:	Renaissance Care (Scot) Limited
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Woodside And Hilton
Case Officer:	Sam Smith



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RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application relates to a care home occupying a two-storey Category B listed granite property, and associated modern extensions, which dates from the late 18th century as a dormitory for Woodside Works. The site sits within the Green Belt and is surrounded by grounds within the Green Space Network. It is accessed via an unadopted driveway off Mugiemoor Road through heavily landscaped grounds, beyond which to the north flows the River Don, and to the south is the 'Hutcheon Low' residential area. The property is currently fitted with multiple white sash and case windows on the ground floor and side hung white casement windows on the ground and first floor. The windows have a curved granite lintel which is cut in to meet the window opening.

Relevant Planning History

170631/DPP - Erection of single storey extension to rear – Approved Unconditionally 28.07.2017

200795/DPP - Erection of single storey extension to rear – Approved Conditionally 17.08.2021

APPLICATION DESCRIPTION

Description of Proposal

Listed building consent is sought for the enlargement of four window openings on the property.

- The two windows on the front elevation would replace the small windows on the first floor of the main section of the building. The window opening would be increased, measuring c. 500mm in width and 2.25m in height. These windows would be timber, side hung casement windows with timber astragals to match the vertical window pane arrangement of the existing window on the south-west bay and incorporate a granite curved lintel and rybat cut into the window to match the existing windows.
- The two south most window openings on the east elevation would be increased, lowering the sill to form windows measuring c. 900mm in width and 2.35m in height (matching the size and form of the existing window on the south-west bay). These windows would be timber, side hung casement windows with timber astragals and a vertical central bar to match the window pane arrangement of the existing window on the south-west bay and extending the granite rybat to match the existing windows.

Amendments

The windows have been reduced in width to create more symmetry on the front elevation and reduce the loss of original wall fabric.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRV51TBZHQV00>

Heritage Statement

Heritage Report – Appendix 1

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because Historic Environment Scotland has made observations which cannot competently be addressed through the use of appropriate planning conditions; the Planning Service considers the revised proposal to be acceptable in planning terms, despite advice from Historic Environment Scotland

that the proposal should be resisted. Consequently, the proposal falls out with the Scheme of Delegation.

CONSULTATIONS

Historic Environment Scotland (HES) – HES have provided the following comments:

- The proposal would have an adverse impact on the significance of the listed building due to loss of original wall fabric and a change to the fenestration pattern which contributes to the buildings character.
- It was suggested that the size of the enlargement be reduced slightly.
- It was also suggested that the size of the existing window in the southwest bay be restored to its original size to reinstate symmetry with the window on the southeast bay.
- A justification for the works should be provided as part of the application.

Historic Environment Scotland (HES) re-consultation – Following amendments dated 15 August 2023, HES have noted the following remaining concerns:

- The reduction in the size of the window enlargement would maintain an adverse impact on the significance on the listed building due to loss of original wall fabric and a change to the fenestration pattern which contributes to the buildings character.
- Based on the justification provided, it is not clear how the viability of the building would be affected by the loss of one or two bedrooms.
- Other options should be explored to review whether there are other rooms in the building that could be converted to form a replacement bedroom.

Woodside and Hilton Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Where a proposal affects a listed building, sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 7 (Historic Assets and Places)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy D8 (Windows and Doors)

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- The Repair and Replacement of Windows and Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: Windows

EVALUATION

Principle of Development

Policy 7 (Historic Assets and Places) of National Planning Framework 4 (NPF4) states that development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Policy D6 (Historic Environment) of the ALDP expects development to protect, preserve and enhance the historic environment and requires adverse development impacts to be minimised and for development to maintain the character, appearance and setting of the historic environment and to protect the special architectural or historic interest of listed buildings, conservation areas and historic gardens. The retention and reuse of historic assets would also be supported under this policy. Policy D7 (Our Granite Heritage) of the ALDP seeks the retention and appropriate reuse of all historic granite buildings and only supports the demolition of any granite structure where it is no longer of special interest or its repair or reuse is not viable. Any downtakings from existing granite structures are required to be visibly reused within the development site. Policy D8 (Windows and Doors) of the ALDP expects historic windows to be retained and for any new windows to be designed in line with the guidance set out in the Interim Aberdeen Planning Guidance (APG) for The Repair and Replacement of Windows and Doors.

The proposal seeks to increase the window opening of four windows on the property, including two on the principal elevation of the building. The existing historic windows have been identified in the supporting Heritage Statement as insufficient for allowing a suitable level of light into the bedrooms. The enlargement of these windows has therefore been suitably justified to meet current standards of care for habitable rooms within the care home. The Managing Change guidance and the APG would not support the alteration of window openings on the principal elevation where it would create an unbalanced composition. In this case, the window openings on the front elevation would maintain symmetry on the front elevation, maintaining separation in design between the central aspect of the building and the two adjacent bays through the use of slimline first-floor windows in the narrower, setback section of the front elevation. The interest of the windows on the building has been attributed by HES to the upwardly diminishing fenestration pattern. As the proposed windows would align in width and position with the existing windows on the ground floor, they are considered to be suitably designed and placed to maintain the architectural interest of the listed building. There are also no other small-scale windows on this elevation and the proposal would therefore not interfere with an established cluster of windows.

In relation to the windows on the east (side) elevation, two of the three windows would be altered with a lowered window sill. The two windows sit forward of a granite wall protruding from the side of the building and the retained window to the north of this wall has an extension sitting below it. The lowered window sill of these windows is therefore not considered to unbalance this elevation as the existing extension already results in an unbalanced appearance. The enlargement of the window openings would therefore be acceptable as it would not present visual harm to the listed

building and they sit on a secondary elevation of the building with little existing architectural interest.

The Managing Change guidance for windows from HES attributes the size, shape, design, proportions, materials, opening method and associated fixtures of traditional windows as significant factors that contribute to the character of a historic building. In terms of scale, the windows on the front elevation of the building would match the width of the windows on the ground floor, appearing architecturally compatible as the windows would sit higher on the building, and the height is similar and marginally subordinate to the existing window in the southwest bay. These two windows are therefore considered compatible in scale with the existing building. The two windows on the east elevation would match the scale of the windows on the southwest bay of the building and sit at the same sill level as the proposed windows on the front elevation. These windows are therefore considered complementary with the existing window and would maintain consistency across the building.

The windows have been designed to mimic the design of the existing windows, matching the vertical window arrangement to the south-west bay window and horizontal arrangement of the windows below. The existing windows on the building are a mix of sash and case and casement windows, with all the windows on the first floor being casement windows. The proposed casement windows are therefore considered to have an appropriate opening mechanism that would be in keeping with the existing character of the building. The proposed windows would also maintain the design of the stone surrounding the windows, with granite arch lintels and rybats framing the windows. The use of timber for the windows is also considered in keeping and of a suitable material for the listed building.

The proposed window openings would result in the loss of original granite which is required to offer benefit to residents and support the required standard of care. The amount of granite to be removed is considered minimal and would not be significantly detrimental to the character or interest of the building and would therefore be acceptable. In addition, the applicant has advised the granite is to be used within the gardens of the site and would therefore be suitably and visibly retained on the site in line with Policy D7 of the ALDP.

The proposed works would maintain the balance of the front elevation of the building and avoid having a detrimental impact on the fabric of the existing building whilst enhancing the useability of the space for modern requirements, ensuring the continued use of the listed building. The proposed windows have been suitably designed to maintain the architectural interest of the building and the removed granite would be appropriately reused. The proposal would therefore comply with Policy 7 of NPF4 and Policies D6, D7 and D8 of the ALDP.

Historic Environment Scotland

The proposed works have been amended in an attempt to address comments from HES and maintain the architectural importance of the listed building. In response to the original comments, the size of the enlargement was reduced as suggested, resulting in a window opening with an area of c. 1.1m². The advice provided by HES noted the significance of the principal elevation having an upwardly diminishing fenestration pattern. The amended proposal therefore sought to match the width of the ground floor windows to be compatible with the design of the building and maintain this architectural interest. The window to the south-west bay is the existing condition of the building and does not form part of the proposed works. It is therefore considered unreasonable to ask for this to be amended. It is considered that the proposed design would adequately minimise the loss of original fabric to the external wall and maintain symmetry on the front elevation by maintaining separation between the main part of the building and the two bays to the side.

In relation to the justification for the works, the supporting statement detailed that the windows are required to meet a required standard of care within the care home. In relation to the need and location of bedrooms, the number of bedrooms proposed has not changed and due to the nature of the business, a significant number of rooms are expected be used as a bedroom, demonstrated by the existing site plan showing almost every room with a window being used a bedroom or other necessary habitable room already. It is therefore considered unreasonable to ask that two bedrooms be removed from the care home for a minor loss of granite to the external walls given that the design of the windows would maintain the interest of the listed building and the granite would be retained on the site.

RECOMMENDATION

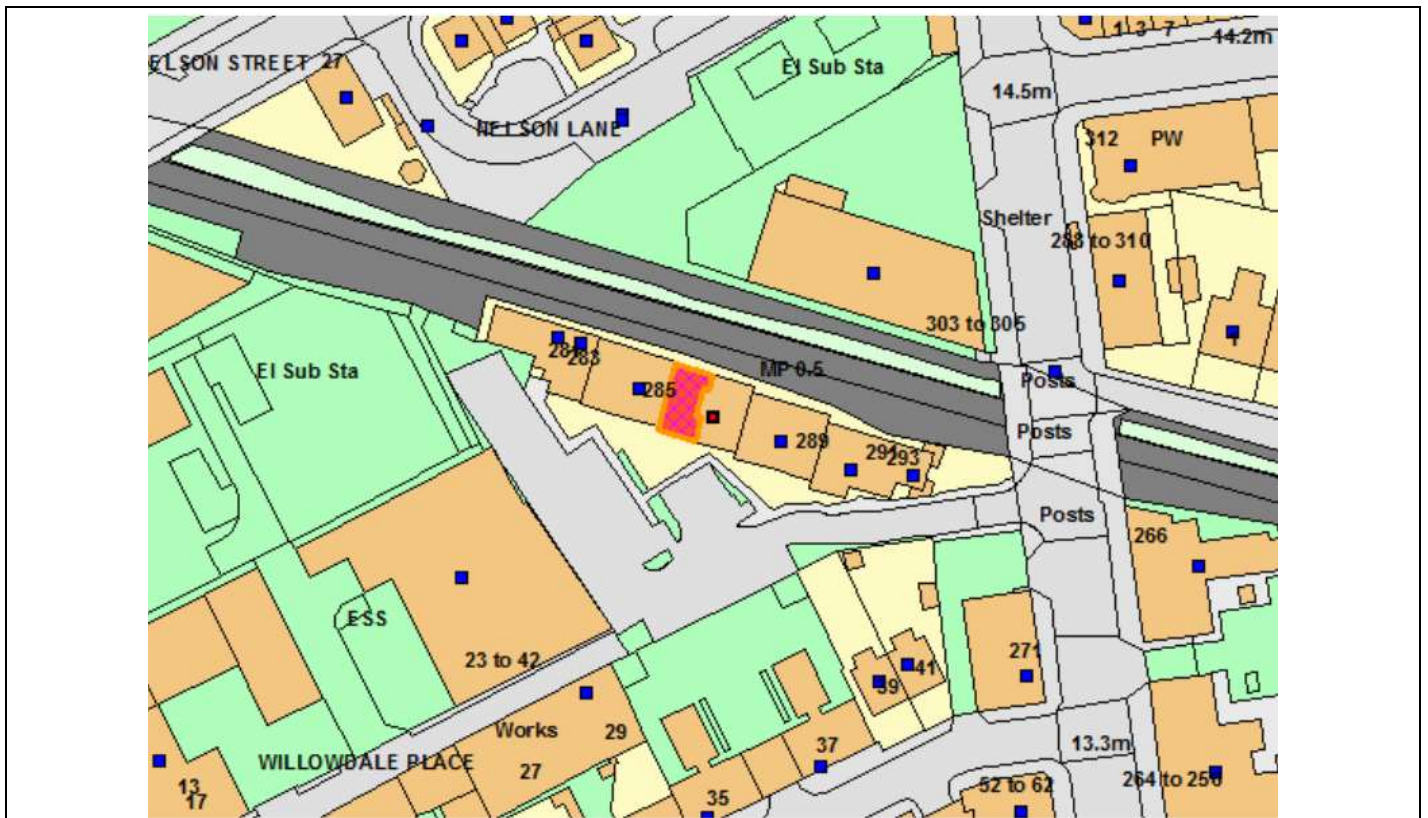
Approve Unconditionally

REASON FOR RECOMMENDATION

A suitable justification for the enlargement of the window openings has been provided; to meet a required standard of care within the care home and as such, the principle of enlarging the windows is considered acceptable. The windows on the side elevation are also located on a secondary elevation and the alteration to these would present little architectural harm to the building. The proposed window openings would not unbalance the principal elevation and would maintain the upward fenestration pattern of the listed building. The windows on the east elevation would match the existing window on the southwest bay on the front elevation and all proposed windows would maintain the granite detail of the arch lintels and rybats framing the openings. The proposed works have thus, been designed to a high quality with due consideration for the architectural context of the listed building and would preserve the special character of the listed building while avoiding negative harm to the fabric of the building, removing a minimal level of granite which is to be retaining within the site. The proposal is therefore compliant with Policy 7 (Historic Assets and Places) of National Planning Framework 4 (NPF4), Policy D6 (Historic Environment), Policy D7 (Our Granite Heritage) and Policy D8 (Windows and Doors) of the Aberdeen Local Development Plan 2023, Historic Environment Policy for Scotland and the Managing Change in the Historic Environment Guidance: Windows.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date:</p>
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Site Address:	Flat H, 287 King Street, Aberdeen, AB24 5AN
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
Application Ref:	231064/DPP
Application Type	Detailed Planning Permission
Application Date:	29 August 2023
Applicant:	Hellena Ltd
Ward:	George Street/Harbour
Community Council:	Castlehill And Pittodrie
Case Officer:	Sam Smith



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a third (top) floor flatted property within a modern block of apartments. The site comprises a wider development of seven blocks, from 281 – 293, which are attached to the application block, to the east and west. The site runs parallel with part of the Aberdeen-Inverness and Kittybrewster railway line to the north. To the west sits an electrical substation which received planning permission in 2023 for upgrades and an enlargement of the existing structure. To the south sits the carpark for the development, with a mix of residential and commercial properties beyond. The property is accessed off a hallway serving flats G and H on the top floor of the building, and is comprised of two bedrooms which face north towards trees along the railway, a central bathroom, and a lounge/kitchen with a terrace balcony and window facing south towards the car park and substation, with the neighbouring balconies visible from the terrace. The carpark is accessed by a road with a parking barrier which leads onto King Street to the east. There is an ongoing planning application for one other property (Flat A) in this block for a change of use to a Short Term Let at present, although it is noted that this application has not yet been determined and as such, this proposal is required to be assessed based on its own merit. The outdoor communal space comprises allocated parking, bin storage adjacent to the parking area, a bike store to the northwest and small sections of grass surrounding the footpaths to each block.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the property from a residential flat to Short Term Let (STL) accommodation (both sui generis).

The applicant advises that the maximum occupancy for the one-bedroom STL would be 4 persons at any one time, with a minimum stay duration of 7 nights. The property would be operated as an STL on a permanent basis. Customers of the property would have access to one allocated parking space and the property would be cleaned every second day.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S03IH7BZMT000>

- STL Accommodation Checklist

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because six timeous letters of representation that express objection to the proposal have been received. As such, the application falls out with the Scheme of Delegation as per point 1. V.

CONSULTATIONS

ACC – Roads Development Management Team – No objection. The site is located within controlled parking zone J and in the inner city boundary. The property is entitled to apply for two permits and there is an existing allocated parking space on site. The location on King Street also means the site is very accessible by sustainable means such as walking, cycling and public transport.

ACC – Environmental Health – No concerns or observations.

ACC – Waste And Recycling – No objection. The proposed development is classified as commercial and will therefore receive a business waste collection. Customers of the STL could continue to utilise existing communal domestic general waste and recycling bins located on the site, adjacent to the car park. Further information is included as an Advisory Note for the applicant to be aware of.

Castlehill and Pittodrie Community Council – No comments received.

REPRESENTATIONS

Six representations have been received in objection to the proposal. The matters raised can be summarised as follows –

1. Residents have raised concerns for noise and safety with an increased number of unknown persons entering the car park and communal block with one noting potential theft and potentially threatening behaviour.
2. There is a concern for the increased intensity and frequency of use for unsociable activities from unvetted visitors. This is a residential area where homeowners need rest and quiet.
3. The property is typically used by two residents. What is to stop more than four people entering the property presenting safety concerns.
4. Guests may use the wrong parking space and mis-use the barrier.
5. The property should have business waste collection which would need permission from all residents to have placed in the outside communal area. This waste collection should not be placed in any communal area where it only serves one property.
6. General destruction of communal areas and mis-use of other buzzers to the other flats in the block presenting a nuisance from visitors, with no responsibility for paying for any damages. These communal areas will also need cleaning more regularly.
7. The change of use would set a precedent for other business on the residential site.
8. The lockbox should not be placed on the communal wall outside of a neighbouring flat without their permission.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H2 (Mixed Use Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Other National Policy and Guidance

- Scottish Government publications:
 - Circular 1/2023: [Short-Term Lets and Planning](#)
 - Short Term Lets: [Business and regulatory impact assessment – November 2021](#)
 - Scottish Government – [Research into the impact of short-term lets on communities across Scotland – October 2019](#)

EVALUATION

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate mitigation and adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material

difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals as a change of use. Therefore the proposals are compliant with Policies 1 and 2 of NPF4. The proposed development is wholly internal, small-scale and does not offer the opportunity for any biodiversity gain and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 of NPF4.

Provision of Short Term Let accommodation and impacts on character & amenity

Policy 30 (Tourism), paragraph (e) of National Planning Framework 4 (NPF4) states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area;
or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits*

The application site sits within a mixed use area. Applications for a change of use in line with Policy H2 (Mixed-Use Areas) of the ALDP, must consider the existing uses and character of the surrounding area, avoiding direct conflict with the adjacent land uses and amenity, in this case, the residential amenity of the neighbouring properties.

Impact on character and amenity of the area

The application site is located in a mixed use area as zoned in the ALDP Proposals Map and lies near to the city centre boundary. As such, the surrounding area contains a mix of uses and is more vibrant and busy opposed to a typical, quiet residential area. The site further sits off King Street; a busy main road with a high frequency bus route to the city centre as well as adjacent to larger-scale shops and a supermarket. Therefore, although the site is used for residential accommodation, a certain level of noise can be expected near this site.

The property comprises a two-bed flat which would accommodate a maximum occupancy of four people at any one time. The use of the property as an STL would likely result in a minor increase in comings and goings to the property compared to a mainstream residential use as a flat of this size would typically be rented out by two or three residents. However, the flat is of a suitable size to accommodate four occupants without overcrowding the property. Due to this and the relatively busy surrounding context, the proposal is unlikely to have any significant impact on the character of the area. Additionally, no external alterations are proposed, therefore the Planning Service considers that the character of the area would be preserved.

In terms of impacts on amenity, the property shares an entrance door and stairwell with seven other properties, one of which is understood to be used as an STL, with the remaining six units understood to be in mainstream residential use. In general, the Planning Service considers that the use of properties as STL's within residential flatted buildings could result in increased harm to the amenity of neighbouring properties, beyond that which would typically be expected from a property in mainstream residential use, particularly due to the following:

- the potential for noise from increased coming and goings via the communal entrance and stairwell due to frequent customer turnovers (check-ins and check-outs) and cleaning between occupancies;

- the potential for noise from customer activities within the property, particularly in the quieter, more sensitive late evening and early morning periods – especially if used as a ‘party flat’;
- the potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

In this instance, the proposed STL is a 2-bedroom flat with a stated maximum occupancy of four people and minimum stay for guests being seven days. It is thus considered unlikely that the flat would be used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring properties in terms of noise from activities within the property during the more sensitive late night and early morning periods. Further to this, the applicant has advised that guests will be given house rules which will be required to adhere to and the person managing the STL will be available and contactable by neighbours should issues arise. Such activities could nevertheless take place in the property if operated as mainstream residential accommodation.

The property is located on the top floor and would therefore result in guests using the full extent of the internal amenity space, passing each other property in the block when accessing it. The application property shares a landing with another property directly opposite. As a direct neighbour the comings and goings on the landing may be noted over and above the movement of residents on the floor below. The layout of the building with spacious landings fully separating the two flats on this level and the concrete staircase means that movement in the building would not be excessively noisy. Further, the minimum stay for guests would be seven days, presenting a low frequency of new guests arriving and leaving. The building contains eight flats which presents an existing high level of movement from residents and the use of this property as an STL is not considered to significantly intensify the use or noise of this communal stairway. The location of this property also means that there are no flats sitting above it, reducing the number of properties that could be affected by noise while the property is occupied. Thus, it is not considered that there would be any particular risk of harm to the amenity of residents resulting from noise transmission between flats beyond what can be expected from a property in mainstream residential use, due to the age and nature of the building’s construction.

The application property has a terrace balcony which overlooks the car park and is visible from the neighbouring balconies. However, due to the size of the balcony, it is unlikely to be used for prolonged periods of time by guests for anti-social activities or in a way which would disturb other residents. It is considered that this space would be used in a similar way as it would if occupied on a permanent basis and the presence of guests would not change the amenity of the terraced areas for the neighbouring properties.

In relation to the outdoor communal area, the car parking area and areas of grass are shared by all residents of the wider development resulting in the general existing levels of comings and goings being relatively high. The use of this space by transient customers staying at the property on a short-term basis would not be likely to have any material impact on the amenity of the residents of the development. It is therefore considered that the impacts on amenity from the use of the property as an STL would most likely arise from the increased probability of noise emissions affecting the occupants of the other flats from arrivals and departures by customers, via noise transmission from the communal hallway, and to the impact on safety and security (either actual or perceived) from the use of the communal entrance and hallway by transient non-residents.

The Planning Service considers that the small-scale of the application property (with a maximum of 4 customers when in use and periods of time when the property will likely not be in use), combined with the modern construction of the building, number of other properties in the block and wider development, and the surrounding, generally busy mixed-use context of the area on the periphery of the city centre, would be sufficient to ensure that its use as an STL would not cause

any significant harm to the amenity of the neighbouring mainstream residential properties within the building, beyond the impacts to amenity which could occur if the properties were to remain in / revert to mainstream residential use. Although a reduction in safety and security for the permanent residents in the building resulting from the use of the property as an STL could occur, it is considered that any such reduction would be relatively minor and mitigated by appropriate management of the properties as outlined in the supporting statement – ensuring that the risk of actual harm to safety and security would be low. The granting of permission for the application property would result in one flat out of eight being in STL use and therefore the majority of flats in the building would remain in mainstream residential use.

It is therefore considered that the use of the property as an STL would not cause significant harm to either the character or amenity of the area, in accordance with Policy 30(e)(i) of NPF4 and Policy H2 of the ALDP.

Provision of Short Term Let tourist accommodation and local economic benefits

Policy VC2 (Tourism and Culture) of the ALDP states that:

‘Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.

Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.’

The use of the property as an STL offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, particularly families and business travellers / contract workers who may be staying in the city for several weeks. The Scottish Government’s publication on ‘Short Term Lets: Business and regulatory impact assessment’ from November 2021 states:

‘Short-term lets make an important contribution to the tourist economy because they can:

- a) offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b) offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).’*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of the application property as an STL, as required by Policy 30(e)(ii) of NPF4, given the likely use of the property by tourists and/or business travellers it is envisaged that customers of the property would be likely to spend money in the local tourism and hospitality sectors, to the benefit of those businesses. This is backed up in general terms by the Scottish Government’s ‘Research into the impact of short-term lets on communities across Scotland’ publication, produced in October 2019, which states in Key Findings - Chapter 5:

‘The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.’

Although the application property is not within the city centre, as defined in the ALDP Proposals Map, it lies a short distance outside the city centre boundary and customers of the STL would be within easy walking distance of the many businesses and amenities in the city centre. It is therefore considered that the use of the property as an STL is compliant with Policy VC2 of the ALDP.

Although housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the amount of STL’s in Aberdeen, as is experienced elsewhere in Scotland (for example Edinburgh and the Highlands & Islands in particular), therefore it is considered that the loss of residential accommodation resulting from the use of the property as an STL would not have any significant impact on local housing need – ensuring that the proposals are generally compliant with the aims of Policy 30(e)(ii) of NPF4.

However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process.

In relation to the duration of planning permissions for Short Term Lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as “planning permission granted for a limited period”.

4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).

The grant of planning permission for the use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location. As such, it is considered necessary in this instance, if permission is granted, for a time-limited period of five years to be applied, which is the time period between the publication of Housing Need and Demand Assessments:

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of the property’s use as an STL at the time of any further planning application.

Transport & Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP all promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T3 (Parking) of the ALDP is supportive of low or no car development in suitable locations where there is adequate access to active travel and public transport options.

The application property is situated outwith, but reasonably close to, the city centre (as defined in the ALDP Proposals Map). As such, the city centre is within walking distance of the property, as are the city's main bus and railway stations and multiple bus routes serving various areas of the city, including the airport. Customers would be able to utilise on-site allocated parking and permit holder on-street car parking but nevertheless it is anticipated that the majority of customers staying at the property on a short-term basis would be tourists or business travellers, the majority of whom could reasonably be expected to arrive in the city by plane, train or bus and access the property sustainably, not generating any traffic or requiring any car parking. The proposals are therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy 5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. Although the property would be a business and would therefore not pay Council Tax, customers of the STL would be able to utilise existing on-street domestic general waste and mixed recycling bins situated in the communal ground adjacent to the car park. The Council's Waste & Recycling Service have advised that the customers of the property could utilise the existing domestic bins, subject to the applicant paying a financial contribution towards the collection of the waste, via a business waste contract with the Council, in lieu of not paying Council Tax. Therefore waste and recyclables generated by the customers of the property can be adequately stored and collected and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract with the Council. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R5 of the ALDP.

Representations

- 1. Residents have raised concerns for noise and safety with an increased number of unknown persons entering the car park and communal block with one noting potential theft and potentially threatening behaviour.*

The impact on noise and safety from regularly changing guests has been assessed in the evaluation of this report.

- 2. There is a concern for the increased intensity and frequency of use for unsociable activities from unvetted visitors. This is a residential area where homeowners need rest and quiet.*

The likelihood of the property being used as a party flat and its intensity of use has been assessed in the evaluation of this report. Although the site is located in a mixed use area with businesses and a busy road in close proximity, the impact on residential amenity has been considered in the report.

- 3. The property is typically used by two residents. What is to stop more than four people entering the property presenting safety concerns.*

The property is considered to be of a sufficient size to accommodate four occupants without overcrowding the property and it is further anticipated that even operated as a STL, it would not always be booked out at full capacity. In accordance with Scottish Governments Short-Term Let Licensing Scheme, operators must provide the maximum number of guests, in line with what is

approved under this planning permission. The operator will then only be able to advertise and let out the property to this number of guests to avoid over accommodating the property. The applicant has also advised that the person managing the property will be contactable to visit the property if a breach occurs.

4. Guests may use the wrong parking space and mis-use the barrier.

The car park is accessed via fob which will be given to the occupants of the flat at that time. It is anticipated that they will use the parking space in the same way any other resident would use it.

5. Waste should have business waste collection which would need permission from all residents to have placed in the outside communal area. This waste collection should not be placed in any communal area where it only serves one property.

Waste and Recycling have advised on the need for commercial waste collection to manage and dispose of waste correctly and legally.

6. General destruction of communal areas and mis-use of other buzzers to the other flats in the block presenting a nuisance from visitors, with no responsibility for paying for any damages. These communal areas will also need cleaning more regularly.

It is not anticipated that the change of people entering the flat would significantly impact the level of use of the communal space or the wear and tear of the stairwell. The applicant has also advised that any direct damage from guests would be the responsibility of the property owner/applicant (Hellena Ltd) to carry out any necessary repairs.

7. The change of use would set a precedent for other business on the residential site.

All businesses which require planning permission for a change of use have to go through a site specific assessment through a formal application. In terms of setting a precedent for STLs, the cumulative impact of this type of use is assessed where there are multiple STLs in a block and as such, will be reviewed for any future applications in the building.

8. The lockbox should not be placed on the communal wall outside of a neighbouring flat without their permission.

The installation of a lockbox on the external wall of the building is not a material consideration for planning permission and has therefore not formed part of the assessment for this application.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate

and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals, therefore the proposed development is compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. There is no opportunity to enhance on-site biodiversity, therefore the proposals are acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.

Due to the context of the surrounding area, the size of the property and the stated maximum occupancy, it is considered that its use as Short Term Let (STL) accommodation would not have a significant adverse impact on the character or amenity of the area, nor on the amenity of the immediate neighbouring properties within the application building, beyond what could typically be expected if it were to be used as permanent mainstream residential accommodation as the proposal would introduce one STL out of eight properties in a block of modern construction and would be operated and managed in a way which would minimise the potential presence of unsocial activities and its use as a party flat. The proposal is therefore in accordance with Policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan 2023 (ALDP). The property's use as an STL would likely provide some local economic benefits, potentially to the tourism and hospitality sectors, without causing any significant harm to local housing need through the loss of residential accommodation, in accordance with Policy 30 (Tourism) of National Planning Framework 4 (NPF4). The development would provide tourist accommodation within walking distance of the city centre and in a sustainably accessible location with good public transport links to the city centre, the airport and the city's main bus and railway stations, in accordance with Policy 13 (Sustainable Transport) of NPF4 and Policies T2 (Sustainable Transport) and T3 (Parking) of the ALDP. The STL would be sited in close proximity to the city centre, which would be readily accessible via sustainable and active modes of travel, therefore the proposed development is considered to be acceptable in accordance with the expectations of Policy VC2 (Tourism) of the ALDP. The development has sufficient means for the adequate storage and collection of any waste and recyclables generated, in accordance with Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP.

CONDITIONS

(01) DURATION OF PERMISSION

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

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

(2) TIME LIMIT FOR SHORT-TERM LET USE

The hereby approved use of the property as Short-Term Let accommodation shall expire 5 years following the date of the grant of permission as stated on this notice, unless a further planning permission has been granted for continued use of the property as Short-Term Let accommodation in the meantime. Should no further planning permission be granted then the property shall revert to mainstream residential use as a flat after the aforementioned 5-year period.

Reason: In order to allow the local housing need and demand situation and the local economic benefits derived from the use of the property as a Short Term Let to be reassessed in 5 years' time, to ensure that the loss of the property as residential accommodation would remain compliant with Policy 30 of NPF4.

ADVISORY NOTES FOR APPLICANT

(1) COMMERCIAL USE OF COMMUNAL DOMESTIC ON-STREET BINS

As Short Term Let accommodation comprises a commercial use, business rates are payable by the operator, rather than Council Tax. In the absence of a Council Tax payment which would cover the cost of the collection of waste from the on-street bins, the operator is required to enter into a contract with Aberdeen City Council's Business Waste & Recycling team, to enable the lawful use of the on-street bins by customers of the property, if they haven't done so already.

Further information is available on the Council's website at:

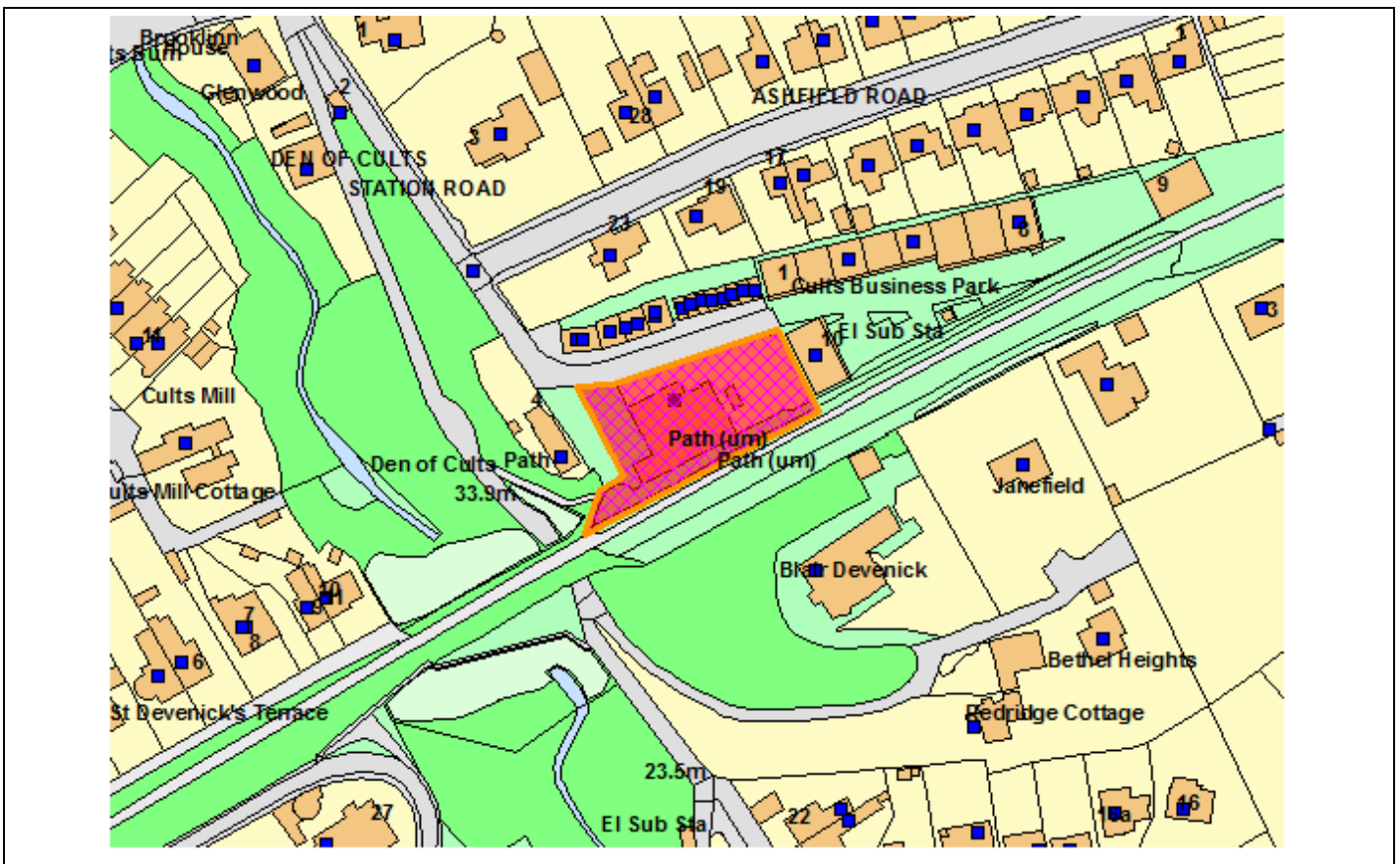
<https://www.aberdeencity.gov.uk/services/bins-waste-and-recycling/business-waste>

The operator can contact the Council's Business Waste & Recycling team at:

businesswaste@aberdeencity.gov.uk

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 2nd November 2023</p>
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Site Address:	Former Cults Railway Station, Station Road, Cults, Aberdeen, AB15 9NP
Application Description:	Change of use from class 4 (business) to class 1A (shops and financial professional and other services) and class 3 (food and drink) with covered outdoor seating area including demolition of existing lean to extension and erection of single storey extension; alterations to a shop front; re-cladding; installation of doors, rooflights and roof repairs with associated car parking and other associated works
Application Ref:	230772/DPP
Application Type	Detailed Planning Permission
Application Date:	27 June 2023
Applicant:	JJ's Food & Drink Co Ltd.
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Gavin Clark



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site, which extends to approximately 1700m², is the former Cults Railway Station, located on the southern side of Station Road, at a distance of some 125m south of North Deeside Road. The part of the site is currently being utilised as a cycle repair business and comprises the original late 19th century single storey station building (which has seen a number of extensions over the years and has a resulting footprint of some 380m²), the station platform, an area of land to the site which is currently occupied by a catering kiosk and associated facilities and areas of hardstanding which are utilised for car parking.

The original station building design is typical of the Scottish station style of the mid 1800's, being single storey with timber cladding and a hipped slated roof, with the more recent development to the rear (north) in the form of a lean-to extension which had served as workshop space for the joinery and cycle repair businesses and is largely finished in timber cladding with metal sheet roofing. The building is not listed and it lies just outwith the Pitfodels Conservation Area.

The site is bound to the south by the Deeside Way, and to the south of this by mature trees lining the rear curtilage of a residential property which forms part of the boundary of the Pitfodels Conservation Area. To the west and at a distance of some 7.5m from the site boundary is a residential property (No 4 Station Road), whilst to the east and beyond the station yard is the Cults Business Park. To the north the site faces across Station Road towards a number of commercial properties and lock-up garages, beyond which are the rear gardens of residential properties along Ashfield Road.

Relevant Planning History

An application for planning permission (Ref: 210140/DPP) was refused by the Planning Development Management Committee in October 2021 for a change of use to class 3 (food and drink) with outdoor seating area including alterations to a shop front; re-cladding; installation of doors, rooflights and roof repairs with associated works. This application related to the former station building and immediately surrounding land, including the area that is the subject of the current application. No appeal was submitted against this refusal. The reasons for refusal of the application were that the proposal was considered contrary to Policy H1 due to the scale of development impacting on residential amenity and contrary to Policy T3 due to the absence of a segregated footway access from North Deeside Road.

An application for planning permission (Ref: 220922/DPP) is currently pending consideration (and is due to be considered at the meeting of the Planning Development Management Committee) for the retention of takeaway food kiosk and outdoor seating area with decking including change of use (temporary for 12 months).

Planning permission (Ref: 211587/DPP) was approved by the Planning Development Management Committee on the 17th February 2022 for the installation of takeaway food kiosk and outdoor seating area with decking including change of use (partly retrospective) (Temporary for 18 months). This permission expired on the 31st July 2023.

APPLICATION DESCRIPTION

Description of Proposal

The proposal seeks detailed planning permission for the re-development of the site involving a change of use of the premises from its consented Class 4 (Business) use to form a mixed-use retail unit (cycle shop – Class 1A) and café (Class 3) with associated outdoor seating area. The works include the demolition of the existing lean-to extension and the erection of a single storey extension; alterations to building including the installation of a shop front, doors and rooflights along with the provision of car parking and cycle parking facilities.

Internally, the existing building would be split into the two uses, which would include the cycle shop/ repair workshop, to be located in the north western section of the building and the café elements with associated facilities such as the kitchen and seating areas provided in the southern and eastern sections of the building. The proposals would be served primarily by separate access points, the cycle shop from a new entrance on the northern elevation off Station Road and the café from the southern elevation, off the former platform. To the east approximately 150 sqm of a seating area associated with the proposed Class 3 element is proposed. Ancillary staff accommodation is proposed in the south western projection of the building. The bin store would be located within the northern section of the building and the proposal include two separate areas for customer and staff toilet facilities, including provision of disabled facilities.

Externally, the proposal includes the provision of 16 parking spaces, which would include 3 disabled parking spaces, 2 EV charging spaces and a further 5 spaces which could be retrofitted with EV charging facilities. The proposals also include the provision of 28 cycle stands and a cycle repair station. Areas of outdoor seating would be provided to the front of the premises (on the former platform fronting the Deeside Way) and side of the premises (facing Cults Business Park) with areas of landscaping and planting provided through the site. Existing access to the Deeside Way would be provided to the west.

In terms of external alterations, the proposal includes the removal of the existing single storey extension to the rear of the building, and the erection of a replacement single storey extension on this northern elevation, which would include elements of larch cladding and glazing. A green roof is also proposed on the existing flat roof extension on the western side of the property.

The proposals also involve the erection of a “pergola” type structure within the eastern outdoor seating area. This would measure approximately 6m x 3.5m with an overall height of 2.3m and would be finished in a grey aluminium frame with retractable louvres on the roof. This would allow for sections of the external seating areas to be covered.

Amendments

The proposal has been amended since the original submission, this has included the submission of further information in relation to the proposed pergola (which has replaced the proposed marquee), further clarification on the internal layout of the property, further details in regards to proposed landscaping and further information to address comments received from consultees.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council’s website at:
<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RWUM54BZKTH00>

- Design Statement
- Planning Statement
- Roads Technical Note
- Bat Survey
- Noise and Odour Impact Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than six letters stating objection to the proposal were received (a total of 24), subsequently, the proposal falls outwith the Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – have no objection to the proposal following the submission of amended plans. Their response will be discussed in greater detail in the evaluation section of this report.

ACC - Environmental Health – have reviewed the submitted Noise and Odour Impact Assessment and are content with its findings. Their response will be discussed in greater detail in the evaluation section of this report. They have no objection to the principle of the development.

ACC - Waste and Recycling – have advised of the waste management requirements for the proposed development.

Cults, Bieldside and Milltimber Community Council – have provided comments on the application, noting the public comments received both in support and noting the comments received against the proposal in particular impacts on amenity. They have also provided the following comments:

1. Note the scale of the proposals is smaller scale than the previous application, which is more in line with the Community Council aspirations in 2021.
2. The extension on the northern side is a significant improvement on the previous proposals.
3. Concerns in regards to inaccuracies with the proposed hours of operation. Seek clarification that the information in the Noise Impact Assessment is incorrect and the hours of operation for the “private room” would be the same (and conditioned).
4. The impact on residential amenity should not be considered against the current situation, but on pre-pandemic levels, where the joinery workshop was closed earlier during the week and was quiet on Saturday afternoons and Sundays.
5. The Odour Impact Assessment should be updated, given the impact from the neighbouring property was assessed in December 2020, before the current uses were operational and the Noise and Odour Assessment assumes that noise is only generated at the outdoor seating to the East of the station building, whereas customers are free to move around the building.
6. Would like to see the planting of a more substantial hedge (1.8m high) along the North side of the open-air bench seating area and “informal grass seating area” to help mitigate any noise and light disturbance to residents in Ashfield Road, particularly their upper storeys.

7. Concerns in regards to the proposed “informal path” along the platform edge and suggest the installation of planters along the edge. Seek to ensure the public right of access is maintained and also note there is some inconsistency between the various impressions of the platform and “informal path” in the Design Statement.
8. Concerns relating to traffic management and pedestrian safety on Station Road, in particular in relation to delivery and waste vehicles. Concern that such vehicles stop outside neighbouring properties and the subsequent impact this has on residential amenity.
9. Concern about increase in traffic movements caused by motor bikes and couriers, which are not captured in the submitted analysis. Would prefer there to be no takeaway service, but not this is a common occurrence in many cafes. Collections should be restricted to normal working hours.
10. Construction working hours should be conditioned to restrict work to normal working hours and not evenings.

REPRESENTATIONS

A total of 145 valid and timeously made representations have been received in relation to this application, 24 expressing objection or concern about the proposal and 121 expressing support. These submissions raise the following points:

Objections:

Principle of Development/ Design

1. The proposals would have an adverse impact on neighbouring property in terms of noise, smell, privacy and that the proposed use is not compatible with the residential nature of the surrounding area, resulting in the proposals being contrary to Policy H1 of the ALDP 2023.
2. Would prefer for the situation to remain as it is, with the Boxcar café retained and that the provision of a retail use is also not acceptable in a residential area.
3. Comments that the proposal would have an adverse impact on similar uses in the surrounding area, there are too many similar uses in the surrounding area and noting that a café has previously been rejected on site.
4. Concerns raised with regards to the size of the proposed outdoor seating area. In addition, Concerns in relation to the proposed accesses to the site, including the proposed shared footway from North Deeside Road and the accesses from the Deeside Way.
5. Concerns about the access door on the western elevation, which would sit adjacent to the neighbouring property, and which contradicts the supporting statement, in which this would only be used for staff.
6. The proposal should be considered as a greenfield development rather than a brownfield development and concerns in relation to the scale of development proposed and whether the design of the alterations, as proposed, would respect the character of the original station building.

7. Concerns in relation to the provision of lighting around the building and the impact that this would have on neighbouring properties.
8. The submitted site plan is not accurate, as the platform area has not been included within the lease for the building.

Traffic Concerns

9. Concerns in relation to traffic impacts as a result of the development, in terms of the increased vehicular movements, deliveries refuse collections and the parking of vehicles (both lack of parking and inappropriate parking) on surrounding streets and noting that the submitted swept path analysis was inadequate. Concerns in relation to food deliveries from the site, which will increase the number of vehicles visiting the site.
10. Concerns raised in regard to pedestrian access to the development, in particular from North Deeside Road. One of the comments also noted that there have been a number of accidents on the access road in the last two years.

Environmental/ Amenity Concerns

11. Concerns in relation to the proposed hours of operation, with the premises proposing to open until 2330, with the outdoor seating area utilised until 2200 and the resulting impact on residential amenity. Comments also indicated opening hours should be restricted to 2000. Comments were also received in regards to conflicting statements in both the Noise Impact Assessment and Design Statement in regard to hours of operation.
12. Concerns that a menu has not been provided, and whether the proposals are for the formation of a café. In addition, the proposals would provide inadequate ventilation and filtration of cooking smells.
13. The proposals would increase the risk of anti-social behaviour.
14. Concerns in relation to health and safety and in particular any dangers associated with patrons utilising the platform areas and the platform area should form no part of the planning application.
15. Increase in litter pollution both on the site and in the surrounding area, which has included an increase in the amount of vermin found in neighbouring properties.

Natural Heritage

16. Increase in light pollution and associated impact on species such as bats and that bats were housed in the existing structure.
17. Note the importance of biodiversity in the surrounding area, in particular on the station platform and the adverse works that have been undertaken in the area since the applicant took over the site.

Planning History

18. Concerns in relation to previous breaches of planning control on site and that the development, if approved, would likely follow suit.

19. Note the planning history associated with Cults Business Park, which had a restriction on opening hours until 2000, to protect the residential amenity of the surrounding area. Note that the site should be covered by the same restrictions as the business park.

Other Matters

20. There is no adequate provision for safe disabled access, or child access.
21. Concerns that those who have written in support of the proposal do not live in the surrounding area and also in relation to the level of support for the proposal.
22. Concerns in relation to the leasing process associated with the advertising of the site by ACC Estates.
23. Concerns in relation to the licensing process and the sale of alcohol from the site.
24. Comments received in regards to rights of access to neighbouring properties.

Support:

1. The proposal is located in an ideal location, adjacent to the Deeside Way, no similar uses in such a location and that it is easy to access via walking and cycling (sustainable means) and a good place to meet friends and family. It was also noted that the proposal would encourage and support outside activity, health and exercise as well as being a tourist attraction for the city.
2. Note that the bike shop would be a good addition to the area.
3. Good to support a local business, which will provide a source of employment to the local area and provide a use that will be open/ easier to use all year round.
4. The re-development of the site will result in a vacant building being brought back into use, rather than falling into a state of disrepair; comments also received in regards to the design of the building and the positive impact that this would have.
5. The provision of a facility with toilets on the Deeside Way would be a welcome addition.
6. Comment on the early opening hours, which are beneficial to those out walking early in the morning.
7. Suggest that the road to Den of Cults should be made one-way to help traffic. Note that numerous vehicles already access the business park.
8. Note the larger provision for cycle parking and hope that these would be properly attached to the ground.
9. The proposals would reduce the risk of smells/ odours by having proper ventilation systems installed within the kitchen facilities.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1: Tackling the climate and nature crises
- Policy 2: Climate mitigation and adaptation
- Policy 3: Biodiversity
- Policy 9: Brownfield, vacant and derelict land and empty buildings
- Policy 12: Zero waste
- Policy 13: Sustainable transport
- Policy 14: Design, quality and place
- Policy 15: Local living and 20-minute neighbourhoods
- Policy 20: Blue and green infrastructure
- Policy 30: Tourism

Aberdeen Local Development Plan (2023)

The following policies are relevant –

- WB2: Air Quality
- WB3: Noise
- NE2: Green and Blue Infrastructure
- NE3: Our Natural Heritage
- NE4: Our Water Environment
- D1: Quality Placemaking
- D2: Amenity
- D5: Landscape Design
- R5: Waste Management Requirements for New Development
- H1: Residential Areas
- VC10: Local Shop Units
- T2: Sustainable Transport
- T3: Parking

Interim Aberdeen Planning Guidance (APG)

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Outdoor Seating (Adopted)
- Noise
- Transport and Accessibility
- Natural Heritage
- Flooding, Drainage and Water Quality
- Waste Management Requirements for New Developments

EVALUATION

Principle of Development

The application site is located within a residential area, as identified by Policy H1 (Residential Areas) of the ALDP 2023. This policy advises that, amongst other matters, *“within existing residential areas, proposals for non-residential uses will be supported if: 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 existing residential amenity.”*

In terms of the proposed development, consideration must be given to the potential impacts of the proposed change of use to provide retail facilities along with a café and associated outdoor seating area (along with all other associated alterations) and whether the works would be considered as complementary to the existing designated residential use or whether it can be demonstrated that the proposed use can be undertaken without having an adverse impact on the residential amenity of properties in the surrounding area. Compliance with Policy H1 is discussed further in the below evaluation.

The proposals also involve a partial change of use of the unit (the established use being Class 4 business) to provide elements of retail for the sale of bicycles and associated equipment. Policy VC10 (Local Shop Units) of the ALDP 2023 advises that *“proposals for changes of use from retail to non-retail outwith any of the centres identified in the network of centres will only be allowed if: the applicants/agents can demonstrate a lack of demand for continued retail use of the premises; the proposed new use caters for a local catchment; the proposed use creates or maintains an active street frontage and attractive shop frontage; and the alternative use does not conflict with the amenity of the neighbouring area.”*

In this case, it is noted that part of the building has been utilised for the repair of bicycles on site and the proposal seeks to expand this use for their sale on site with other associated merchandise (along with the café element). The Planning Service are therefore of the view that the proposals would cater for a local need, would provide an active shop frontage, which would provide access to the retail and café elements and for the reasons detailed elsewhere, and would have no adverse impact on the amenity of the surrounding area. The proposals would therefore not conflict with Policy VC10 of the ALDP 2023.

It is noted that the application site incorporates the station platform, which sits immediately to the south of the station building. This section of the site is zoned as Urban Green Space and Green Space Network, where Policy NE2 (Green and Blue Infrastructure) of the ALDP 2023 would apply. This advises that *“development proposals will seek to protect, support and enhance the Green Space Network”* and that *“we will protect, support and enhance the city’s Urban Green Space”*.

In respect of the current proposals, the submitted site plan indicates that an area of outdoor seating would be provided in this area, along with the planting of a hedge and other associated shrubbery and a wildflower grass area. In principle, it is considered that the proposed works would

enhance the green space network (from its current position) and urban green space and would comply with Policy NE2 in principle. Further compliance is discussed later in this evaluation.

Policy 9 (Brownfield, vacant and derelict land) of NPF4 advises that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. Given that the proposal relates to such a brownfield site, which would see the redevelopment of the site to provide a mixture of uses, the proposals would comply with Policy 9 of NPF4.

Policy 15 (Local Living and 20 minute neighbourhoods) of NPF 4 advises: *“development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods.”* The proposal would provide both a retail and café offering and would therefore contribute to the premise of a 20-minute neighbourhood, in compliance with Policy 15 of NPF4.

It is considered that, to an extent, the proposals could encourage tourism related activities, therefore Policy 30 (Tourism) of NPF4 is of relevance. This policy advises that *“proposals for tourism related development will take into account: the contribution made to the local economy; compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors; Impacts on communities, for example by hindering the provision of homes and services for local people; opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas; accessibility for disabled people; measures taken to minimise carbon emissions; and opportunities to provide access to the outdoor environment.”*

In relation to the above, the proposals, are anticipated to contribute to the local economy via the addition of a facility which would welcome members of the public to the area, would be of an acceptable scale without having an adverse impact on the surrounding area, would be accessible via sustainable transport needs, would be accessible for all abilities, would provide sustainable measures to minimise carbon emissions and would be adjacent to the Deeside Way, providing ease of access to the surrounding natural environment. The proposal would therefore comply with Policy 30 on NPF4 in principle.

The adopted Aberdeen Planning Guidance: Outdoor Seating advises that *“proposals for outdoor seating should consider both the immediate and wider context in which they would be situated. As a new addition to an area, the agent of change principle will be applied whereby the applicant is responsible for ensuring their proposals would not cause unnecessary harm to the existing amenity of the surrounding area.”*

In terms of the above, it is considered that the proposed outdoor seating area would be located sufficiently distant and could be adequately controlled (via the hours of operation) to ensure that the proposals would have no undue adverse impact on the amenity of the surrounding area. In addition, the outdoor seating area would be visible from the existing premises, would not prevent access to neighbouring properties, would respect the amenity of the neighbouring area (as discussed elsewhere), would have suitable waste arrangements and would have no unsociable hours (as controlled via condition). The proposal is therefore considered to be in general accordance with the aforementioned APG.

Impact on Residential Amenity

Policy D2 (Amenity) of the ALDP 2023 advises that *“development will be designed to: make the most of any opportunities offered by the site to optimise views and sunlight through appropriate siting, layout and orientation; ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook; ensure that occupiers are*

afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook; have a public face to the street to ensure natural surveillance, and active street frontages; ensure that refuse and recycling facilities, cycle storage, low and zero carbon technology, plant and services are sensitively integrated into the design; ensure that external lighting minimises light spillage into adjoining areas and the sky”.

In addition, Policy WB2 (Air Quality) of the ALDP 2023 advises “development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Authority” and Policy WB3 (Noise) of the ALDP 2023 advises 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.”

The Planning Service remain of the view that the use of the site as a café, with associated retail use and other associated facilities would be broadly compatible with the residential nature and zoning of the surrounding area, given the site’s context in a relatively mixed use area adjacent to the Deeside Way with a mixture of residential properties and businesses located in close proximity to the application site. The proposals would also cater for both a local and wider need, given the Deeside Way serves as a well-recognised and popular route for walkers and cyclists (as has been evidenced in a number of the letters of support). The Planning Service do acknowledge that the proposed change would result in an increase in usage of the application site, with the potential for further noise and general disturbance to the surrounding area via the use of the outdoor seating areas, and the general re-use of the building, which would bring a number of patrons to the area.

The proposals would also introduce a cooking element to the site, which would also have potential for odour to emit to properties in the surrounding area. As a result of this the applicant has submitted a Noise and Odour Impact Assessment was submitted in support of the planning application. The assessment, which dates from the time of the original application but its contents remain relevant, recommends that a number of measures be implemented in association with the proposed use, including noise and roof insulation, along with the installation of an odour extraction system with appropriate maintenance and cleaning.

The assessment is based on specific opening hours for the café, with the internal space opening Sunday to Thursday from 8:00 to 23:00 hours and Friday to Saturday from 08:00 to 23:30 hours and the outdoor seating area opening Sunday to Thursday from 08:00 to 20:00 hours and Friday to Saturday from 08:00 to 22:00 hours. The report also states that refuse collection and food deliveries shall be restricted to Monday to Friday from 07:00 to 19:00 and Saturday from 08:00 to 13:00, with none on a Sunday. It is however noted that the café will not be opened for the timings associated with this assessment, with the applicants confirming that the opening hours for the café (Class 3) and outdoor seating area would be Monday to Thursday 08:00 – 19:00 and Friday to Sunday 08:00 – 20:00.

Colleagues in Environmental Health have reviewed the submitted assessment and consider the findings of the report to be acceptable provided the application of critical noise and odour mitigation measures achieving at least an equivalent effect of those measures contained within the assessment takes place, which must include:

- a) the noise insulation measures detailed within section 3.6 and the related Appendix C – ‘Wall and Roof Construction Detail’.
- b) the noise and odour control measures detailed within section 6.2 and the related Appendix A (A4 to A5) – ‘Kitchen Extraction System Details’.

- c) The proposed operating hours including the external area, detailed within section 6.3 (although as detailed above it is noted the opening hours will be less than as stated within the assessment).

They have also recommended strict adherence to the managerial controls detailed within section 4.14 and 6.3 and appendix K "Maintenance and Cleaning" to reduce the risk of malodour and statutory nuisance. A condition will be added to the consent in respect of the above and subject to the implementation in strict accordance with the statement there would be no conflict with Policy WB2 (Air Quality) or WB3 (Noise) of the ALDP 2023.

It is acknowledged that the proposed hours of operation were considered as part of the above assessment and its findings, which related to a potentially larger development area than that proposed, included the likely impact of noise from customers of the café and outdoor seating area, and the impact that this would have on amenity. It is noted that the outdoor area is significantly smaller than the previous application and the hours it would be in use would be less, with a maximum late opening hour of 2000 at weekends and plans and a condition will be added to ensure that the development is carried out in accordance with the submitted site plan. It is acknowledged that the development is still likely to have an impact on the amenity of the area, in particular later in the evening.

The Planning Service note that no lighting is proposed within the outdoor seating area, with this being limited to the western, northern and southern sections of the building. It is not unreasonable to assume that weather conditions will to some extent limit the day to day and year round use of an outdoor seating area, however it is accepted that where customers could be served until 20:00 hours on a Friday or Saturday, and until 19:00 for the remainder of the week, this could have some impact on those residents of properties lying at the westernmost end of Ashfield Road to the north of the site and on Station Road immediately to the west of the site, on the basis that these properties either back onto or overlook the site, albeit at a distance of some 30m for those lying to the north and 14m to the west. The timings proposed are therefore considered to be acceptable, which would ensure that there is no night-time noise from customers conversing etc in the outdoor areas that might adversely affect the amenity currently enjoyed by the closest residential properties.

Taking the above into account it is considered that the proposed change of use to café and retail use would suitably complement the residential use of the area and wider neighbourhood, and subject to conditions restricting the hours of operation and provision of appropriate ventilation the proposals would have no unacceptable impact on the existing character of the residential area, nor would such a use introduce a level of conflict or nuisance which would have a significant adverse impact on existing amenity.

It is noted that the Town and Country Planning (Use Classes) Scotland Order 1997 (as amended) would allow the Class 1A retail area to be used as a Class 3 café as permitted development, thus increasing the floorspace of the café without planning permission. This is not considered to be acceptable in this case, accordingly a condition is proposed to limit the floorspace for each use class in line with what has been applied for. Having regard to the foregoing it is considered that the proposed change of use would suitably address the requirements of Policies D2 (Amenity) and H1 (Residential Areas) of the ALDP 2023.

Design and Scale

Policy 14 (Design, quality and place) of NPF 4 states that *"development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale"* and *"development proposals will be supported where they are consistent with the six*

qualities of successful places: healthy, connected pleasant, distinctive, sustainable, adaptable” while Policy D1 (Quality Placemaking) of the ALDP 2023 advises that *“all development must ensure high standards of design, create sustainable and successful places”*, and also reiterates the Scottish Government’s six qualities of a successful place.

The proposals would see the refurbishment of the former Cults Railway Station, which comprises the main station building, which dates back to the mid-1800s and which fronts onto the Deeside Way, as well as the removal of the of the more recent flat roofed extensions to the north of the building and its replacement with a more modern extension to accommodate the uses proposed and provide a further entrance point to the building. Materials proposed within the extension would include vertical larch cladding and aluminium windows and doors with general repairs of the timber cladding to the existing station building also proposed. The works are considered to have been designed with due consideration for their context and would have no adverse impact on the character or the appearance of the surrounding residential area. A condition can be inserted on to the consent to seek samples of the proposed finishing materials prior to the commencement of development. There would be no conflict with either Policy 14 of NPF or with Policy D1 of the ALDP 2023 in this instance.

Transportation

Policy T2 (Sustainable Transport) of the ALDP 2023 provides various guidance and seeks to *“minimise traffic generation, increase accessibility, encourage public transport and provide relevant infrastructure”* within the application site. Policy T3 (Parking) of the ALDP 2023 discusses matters such as parking within development and electric vehicle infrastructure. Policy 13 (Sustainable transport) of NPF4 provides similar guidance and advises that *“development will be supported where it has been designed in association with sustainable travel, provides direct links to local facilities, will be accessible by public transport, provide electric vehicle charge points, provide safe and convenient cycle parking and consider the needs of all users, as well as mitigate the impact of development on local transport routes”*.

The proposals have been reviewed by colleagues in Road Development Management (RDM), who have provided the following comments on the application:

In terms of walking and cycling, they note that the site is ideally located for users of the Deeside Way, but note that pedestrian and cycle access from the road-side is below modern standards, noting that it is 1.5m in width and that pedestrians would have to walk down the road for the final part towards the development site. They note that this is an existing situation for pedestrians accessing the Deeside Way, but that pedestrian footfall would increase as a result of the proposals. They note that there is limited scope for improving footway access to the development, given existing boundary treatments.

As part of the proposals, the applicants have proposed dropped kerbs on Station Road to provide a clear pedestrian crossing point, signage advising that “pedestrians are on the road ahead”, the provision of “slow” markings on the road at either side of the bend and a change in surfacing materials to delineate the pedestrian route on the western side of Station Road, until it joins the existing footway, which is also to be upgraded. These mitigation measures are considered to be acceptable to colleagues in RDM and whilst the works are outwith the development site, they are on a public road and therefore a condition can be added to ensure that the mitigation measures are installed prior to the implementation of the use.

In terms of public transport, it is noted that bus facilities are provided on both sides of North Deeside Road within 200m of the site.

In regards to parking, the maximum parking standards for the site would see the provision of 16 parking spaces, with 3 of these provided as accessible spaces. The spaces proposed are also of the required standards. The parking arrangements proposed by the applicants are therefore considered to be acceptable. In addition, the provision of 48 long stay and 8 short stay cycle parking spaces are considered to be well above requirements and therefore considered acceptable. The applicants have also proposed EV charging infrastructure within 1 accessible space and 2 general spaces, in addition 6 of the spaces would be provided with passive EV infrastructure to ensure they could be retrofitted in the future. Colleagues in RDM have also confirmed that on various site visits to the area, there have never been examples of excessive parking, with the majority of patrons likely to visit the site via sustainable modes of transport.

Colleagues in RDM also noted that, due to limited traffic generation, it would be unreasonable to seek any further road improvements other than those discussed above, with junction improvements to North Deeside Road/ Station Road likely to be difficult and not required for a development of this scale. The submitted TRICS (Trip Rate Information Computer System) assessment also supports the assumptions that the majority of trips to the site would be via foot/cycle, with less than 1 vehicle every 4 minutes predicted in the AM and PM peak hours. The applicants also undertook a road accident review, which indicated no accidents within the last 5 years.

In terms of other measures, the applicants will require to submit a Green Travel Plan for staff (which can be controlled via condition). Colleagues in RDM have confirmed that they have no objection to the development as proposed and as a result there would be no conflict with Policy 13 of NPF 4, Policies T2 and T3 of the ALDP 2023 or its associated Interim Aberdeen Planning Guidance: Transport and Accessibility.

Waste Management

Policy 12 (Waste) of NPF4 advises that *“development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.”* Policy R5 (Waste Management Requirements for New Developments) of the ALDP 2023 advises *“all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate”*.

In terms of waste proposals, it is noted that waste storage facilities would be provide in the northern section of the building and would be accessed via an external door. Colleagues in Waste Management have commented on the proposals and have raised no objection to the layout as proposed. There is no conflict with either Policy 12 of NPF 4 or with Policy R5 of the ALDP 2023 in this instance.

Natural Environment

Policy D5 (Landscape Design) of the ALDP 2023 advises that *“development proposals will be designed with an effective, functional and attractive landscape framework supported by clear design objectives. The level of detail required will be appropriate to the scale of development.”* Policy NE3 (Our Natural Heritage) of the ALDP 2023 advises that *“development should not have a detrimental effect (directly or indirectly) on its own or in combination with other proposals on: sites, habitats, ecosystems or species protected by law or natural heritage designation.”*

It is noted that the southern section of the site, which incorporates the station platform, is zoned under Policy NE2 (Green and Blue Infrastructure) in the ALDP 2023 and as the Deeside Old Railway Local Nature Conservation Site. The submitted landscaping plan for this area shows the provision of an area for outdoor seating (with associated footpath and paving) and areas of soft

and hard landscaping including hedges, shrubs and wildflower planting along with the retention of the existing formal footpath.

The proposals have been assessed by colleagues in Natural Environment Policy (NEP), who are generally content that the proposed landscaping and maintenance plan are broadly acceptable and the areas of landscaping proposed would make a positive contribution in terms of biodiversity net gain. They suggested the provision of a green roof on the flat roof rear extension, which has now been provided by the applicant, which also provides biodiversity enhancement and reduces the potential for surface water run-off. They have also noted that the proposals would result in a general better quality, more functional and accessible area of open space being provided within the curtilage of the site.

In respect of protected species, the applicants have submitted a Bat Survey in support of the application. The survey noted that, whilst bats were found in the surrounding vicinity, no bats were found to be utilising the building for roosting, and therefore the re-development of the building would have no impact on the bat population and therefore no mitigation was deemed necessary. The proposals to reduce existing light pollution and light spill, as identified in the submitted Design Statement are generally considered to be acceptable.

The proposed works are considered to be acceptable in principle and would meet the requirements of Policies NE2, NE3 and D5 of the ALDP 2023.

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate mitigation and adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, which relates to a change of use of the existing premises with associated external alterations includes the provision of areas of landscaping and planting, and other proposals such as the provision of a green roof on the extension and wildflower planting to the front of the premises. The proposal is considered to be compliant with Policy 1, 2 and 3 of NPF4.

Matters Raised by Community Council

1. Note the scale of the proposals is smaller scale than the previous application, which is more in line with the Community Council aspirations in 2021. *Response: comments noted.*
2. The extension on the northern side is a significant improvement on the previous proposals. *Response: comments noted.*
3. Concerns in regards to inaccuracies with the proposed hours of operation. Seek clarification that the information in the Noise Impact Assessment is incorrect and the hours of operation for the "private room" would be the same (and conditioned). *Response: the hours of operation would be as per the Design Statement and would be controlled via condition.*

4. The impact on residential amenity should not be considered against the current situation, but on pre-pandemic levels, where the joinery workshop was closed earlier during the week and was quiet on Saturday afternoons and Sundays. *Response: the impact on residential amenity has been discussed elsewhere in this report.*
5. The Odour Impact Assessment should be updated, given the impact from the neighbouring property was assessed in December 2020, before the current uses were operational and the Noise and Odour Assessment assumes that noise is only generated at the outdoor seating to the East of the station building, whereas customers are free to move around the building. *Response: the noise and odour information is relevant to the current application and has been deemed acceptable to colleagues in Environmental Health and no further or updated assessments were required.*
6. Would like to see the planting of a more substantial hedge (1.8m high) along the North side of the open-air bench seating area and “informal grass seating area” to help mitigate any noise and light disturbance to residents in Ashfield Road, particularly their upper storeys. *Response: the level of planting proposed is considered to be acceptable.*
7. Concerns in regards to the proposed “informal path” along the platform edge” and suggest the installation of planters along the edge. Seek to ensure the public right of access is maintained and also note there is some inconsistency between the various impressions of the platform and “informal path” in the Design Statement. *Response: it is noted that a degree of planting would be provided on the platform, which is considered to be acceptable. The informal path would be retained to ensure that the public right of way is maintained. The general layout is considered to be acceptable.*
8. Concerns relating to traffic management and pedestrian safety on Station Road, in particular in relation to delivery and waste vehicles. Concern that such vehicles stop outside neighbouring properties and the subsequent impact this has on residential amenity. *Response: the mitigation measures put forward by the applicant (discussed above) are considered to be adequate and colleagues have raised no objections to the delivery methods. The Planning Service cannot control where vehicles would turn on public or private roads.*
9. Concern about increase in traffic movements caused by motor bikes and couriers, which are not captured in the submitted analysis. Would prefer there to be no takeaway service, but not this is a common occurrence in many cafes. Collections should be restricted to normal working hours. *Response: transportation matters have been discussed elsewhere in this report. The Planning Service could not control the takeaway element adequately via condition. It is also anticipated that any deliveries would take place during the opening hours of the premises.*
10. Construction working hours should be conditioned to restrict work to normal working hours and not evenings. *Response: an informative is proposed in this regard and any breaches would be controlled under environmental legislation.*

Matters Raised in Representation

Support:

1. The proposal is located in an ideal location, adjacent to the Deeside Way, comments were also received that noted that no similar uses in such a location and that it is easy to access

via walking and cycling (sustainable means) and a good place to meet friends and family. It was also noted that the proposal would encourage and support outside activity, health and exercise as well as being a tourist attraction for the city and note the bike shop would be a good addition to the area. *Response: comments noted. The location of the building has been assessed in the above evaluation as well as the benefits associated with the use.*

2. Good to support a local business, which will provide a source of employment to the local area and provide a use that will be open/ easier to use all year round. *Response: comments noted.*
3. The re-development of the site will result in a vacant building being brought back into use, rather than falling into a state of disrepair; comments also received in regards to the design of the building and the positive impact that this would have. *Response: the redevelopment and refurbishment of vacant buildings is supported by planning policy.*
4. The provision of a facility with toilets on the Deeside Way would be a welcome addition. *Response: comments noted. Toilets are to be provided.*
5. Comment on the early opening hours, which are beneficial to those out walking early in the morning. *Response: the opening hours of the development have been discussed elsewhere and confirmed to be acceptable.*
6. Suggest that the road to Den of Cults should be made one-way to help traffic. Note that numerous vehicles already access the business park. *Response: this issue would be separate to the planning process and the existing access road to the site could not be made one way.*
7. Note the larger provision for cycle parking and hope that these would be properly attached to the ground. *Response: comments noted.*
8. The proposals would reduce the risk of smells/ odours by having proper ventilation systems installed within the kitchen facilities. *Response: comments noted.*

Objections:

Principle of Development/ Design

1. The proposals would have an adverse impact on neighbouring property in terms of noise, smell, privacy and that the proposed use is not compatible with the residential nature of the surrounding area, resulting in the proposals being contrary to Policy H1 of the ALDP 2023. *Response: the impact on amenity has been discussed elsewhere within this report, the proposal is considered to be acceptable.*
2. Would prefer for the situation to remain as it is, with the Boxcar café retained and that the provision of a retail use is also not acceptable in a residential area. *Response: each application needs to be considered on its own merits and the proposals, as submitted, are considered to be acceptable.*
3. Comments that the proposal would have an adverse impact on similar uses in the surrounding area, there are too many similar uses in the surrounding area and noting that a café has previously been rejected on site. *Response: the development, as proposed, is considered to be acceptable.*

4. Concerns raised with regards to the size of the proposed outdoor seating area. In addition, Concerns in relation to the proposed accesses to the site, including the proposed shared footway from North Deeside Road and the accesses from the Deeside Way. *Response: the outdoor seating is considered to be of an acceptable scale, reduced in size from the original proposals. Access to the Deeside Way would also be retained and the shared footway, whilst not an essential requirement, is considered to be appropriate in this instance.*
5. Concerns about the access door on the western elevation, which would sit adjacent to the neighbouring property, and which contradicts the supporting statement, in which this would only be used for staff. *Response: the access door on the western elevation would provide access to the workshop area, which would only be utilised by staff, with customers using the main entrance.*
6. The proposal should be considered as a greenfield development rather than a brownfield development and concerns in relation to the scale of development proposed and whether the design of the alterations, as proposed, would respect the character of the original station building. *Response: the proposal relates to the redevelopment of a brownfield site and the scale of development is considered to be appropriate for the surrounding context.*
7. Concerns in relation to the provision of lighting around the building and the impact that this would have on neighbouring properties. *Response: the proposed lighting scheme, which would include downlights on the western elevation, and recessed downlights on the northern and southern elevation is considered to be appropriate and has been provided for health and safety purposes.*
8. The submitted site plan is not accurate, as the platform area has not been included within the lease for the building. *Response: the site plan is considered to be accurate and the submitted application form indicates that the Council, as landowner, have been notified of the proposed development.*

Traffic Concerns

9. Concerns in relation to traffic impacts as a result of the development, in terms of the increased vehicular movements, deliveries refuse collections and the parking of vehicles (both lack of parking and inappropriate parking) on surrounding streets and noting that the submitted swept path analysis was inadequate. Concerns in relation to food deliveries from the site, which will increase the number of vehicles visiting the site. *Response: the increase in vehicular movements, refuse collection and parking of vehicles within the site has been discussed elsewhere. The swept path analysis has also been considered as appropriate. The control of delivery vehicles is difficult to restrict, but the applicant have proposed certain hours for this, which can set out in an advisory note on the permission.*
10. Concerns raised in regard to pedestrian access to the development, in particular from North Deeside Road. One of the comments also noted that there have been a number of accidents on the access road in the last two years. *Response: colleagues in RDM have raised no objections in this regard and the proposed mitigation measures are also been considered as acceptable.*

Environmental/ Amenity Concerns

11. Concerns in relation to the proposed hours of operation, with the premises proposing to open until 2330, with the outdoor seating area utilised until 2200 and the resulting impact on residential amenity. Comments also indicated opening hours should be restricted to 2000. Comments were also received in regards to conflicting statements in both the Noise Impact Assessment and Design Statement in regard to hours of operation. *Response: The opening hours will be restricted by planning condition to 8pm, as suggested by the applicants in their design statement and not as suggested in the Noise Impact Assessment.*
12. Concerns that a menu has not been provided, and whether the proposals are for the formation of a café. In addition, the proposals would provide inadequate ventilation and filtration of cooking smells. *Response: there is no requirement for the applicants to provide a menu. Colleagues in Environmental Health consider the ventilation and filtration systems to be acceptable to ensure no adverse impact on surrounding amenity.*
13. The proposals would increase the risk of anti-social behaviour. *Response: this would be a matter for Police Scotland to deal with.*
14. Concerns in relation to health and safety and in particular any dangers associated with patrons utilising the platform areas and the platform area should form no part of the planning application. *The informal walking area would remain and a hedge would be provided on the platform to provide a buffer between the seating area and the platform edge. The redevelopment of this section of the site is considered to be acceptable.*
15. Increase in litter pollution both on the site and in the surrounding area, which has included an increase in the amount of vermin found in neighbouring properties. *Response: it is noted that the proposals have the potential for increased litter and it is proposed to add a litter management plan to the application via condition.*

Natural Heritage

16. Increase in light pollution and associated impact on species such as bats and that bats were housed in the existing structure. *Response: this matter has been discussed elsewhere in the report, where no adverse impact on protected species found and the lighting management plan considered to be appropriate.*
17. Note the importance of biodiversity in the surrounding area, in particular on the station platform and the adverse works that have been undertaken in the area since the applicant took over the site. *Response: it is noted that works have taken place on the platform which did not require planning permission. The proposed enhancements put forward by the applicant are considered to be acceptable.*

Planning History

18. Concerns in relation to previous breaches of planning control on site and that the development, if approved, would likely follow suit. *Response: a number of concerns have been highlighted to the Planning Service in recent years, there has either been found to be no breach of planning control or any breach has been rectified by the owner. The timing of the submission of the application is not within the control of the Planning Service and if there were to be any breaches of planning control in the future then these would be investigated by the Planning Service.*

19. Note the planning history associated with Cults Business Park, which had a restriction on opening hours until 2000, to protect the residential amenity of the surrounding area. Note that the site should be covered by the same restrictions as the business park. *Response: the hours of operation (which will be controlled via condition) will see the proposed café close at 8pm at the latest, which is considered to be acceptable.*

Other Matters

20. There is no adequate provision for safe disabled access, or child access. *Response: acceptable accessibility has been provided, with two accesses to the building and disabled parking facilities. A disabled toilet would be provided within the building.*

21. Concerns that those who have written in support of the proposal do not live in the surrounding area and also in relation to the level of support for the proposal. *Response: anyone has the ability to comment on planning applications and all matters raised have been addressed in this report.*

22. Concerns in relation to the leasing process associated with the advertising of the site by ACC Estates. *Response: this is not a material planning consideration.*

23. Concerns in relation to the licensing process and the sale of alcohol from the site. *Response: this would be covered by the licensing process and is not a material planning consideration.*

24. Comments received in regards to rights of access to neighbouring properties. *Response: this would be a civil matter between the relevant parties and is not a material planning consideration.*

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed use, subject to the implementation of appropriate conditions, would be appropriate for its setting and would not have an adverse impact on the character or amenity of the surrounding area. The development has been designed with due consideration for its context, it is well located and would be accessible by a variety of modes of transport. The levels of parking and access to the site are also considered to be appropriate. The levels of landscaping for the site are also considered to be acceptable and the measures proposed would have no adverse impact on protected species or the surrounding natural environment.

The proposals are therefore considered to comply with Policies 1: Tackling the climate and nature crises, 2: Climate mitigation and adaptation, 3: Biodiversity, 9: Brownfield, vacant and derelict land and empty buildings, 12: Zero waste, 13: Sustainable transport, 14: Design, quality and place, 15: Local living and 20-minute neighbourhoods, 20: Blue and green infrastructure and 30: Tourism of National Planning Framework 4 and Policies WB2: Air Quality, WB3: Noise, NE2: Green and Blue Infrastructure, NE3: Our Natural Heritage, NE4: Our Water Environment, D1: Quality Placemaking, D2: Amenity, D5: Landscape Design, R5: Waste Management Requirements for New Development, H1: Residential Areas, VC10: Local Shop Units, T2: Sustainable Transport and T3: Parking of the Aberdeen Local Development Plan 2023 as well as its associated Aberdeen Planning Guidance on Outdoor Seating.

CONDITIONS

(01) DURATION OF PERMISSION

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

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

(02) NOISE IMPACT ASSESSMENT COMPLIANCE

That the use hereby approved shall not take place unless all mitigation measures recommended in the approved Noise & Odour Impact Assessment (Reference: TTG 151120B) have been implemented in full. These must include:

- a) the noise insulation measures detailed within section 3.6 and the related Appendix C – ‘Wall and Roof Construction Detail’
- b) the noise and odour control measures detailed within section 6.2 and the related Appendix A (A4 to A5) – ‘Kitchen Extraction System Details’.
- c) The proposed operating hours including the external area shall terminate at 2000 hours.
- d) strict adherence to the managerial controls detailed within section 4.14 and 6.3 and appendix K “Maintenance and Cleaning”

Thereafter the mitigation measures, or similar as may be agreed in writing with the Planning Authority, shall remain in place for the duration of the use.

Reason: In order to preserve the amenity of neighbouring properties from noise and odour emissions from the proposed use.

(03) HOURS OF OPERATION

That the use hereby approved shall not operate out with the following hours:

Café (Class 3) and Outdoor Seating Area: Monday to Thursday 08:00 – 19:00 and Friday to Sunday 08:00 – 20:00 and Bicycle Shop (Class 1A Financial, professional and other services): Monday to Sunday 09:00 to 17:00.

Reason: In order to preserve the amenity of neighbouring properties.

(04) LITTER MANAGEMENT

That the use hereby approved shall not take place unless a litter and waste management plan for the site has been submitted to and agreed in writing by the planning authority, including detail on the provision of external litter bins for customer waste during hours of operation. Thereafter, the approved litter. waste management plan fully implemented in accordance with the agreed details and remaining in place for the duration of the use.

Reason - In order to ensure suitable waste storage and collection arrangements are in place, including appropriate facilities for customers and to protect public health and the amenity of the area.

(05) PARKING, CYCLE PARKING AND EV CHARGING AS PER APPROVED PLANS

That the use hereby approved shall not occur unless all car parking, electric vehicle parking and cycle parking facilities have been constructed, drained, laid-out and demarcated and are available for use in accordance with approved drawing Site Plan 1012 Rev B, or such other drawing as may subsequently be submitted to and agreed in writing by the planning authority.

Reason: In the interests of public safety and provision of adequate car parking and the free flow of traffic.

(06) OUTDOOR SEATING AREA AS PER APPROVED PLAN

That the use hereby approved shall not occur unless the outdoor seating area has been provided in accordance with approved drawings (Richard Dingwall Architects) 1012 Rev B and 1017 Rev B. No additional seating areas shall be provided without the express granting of planning permission by the Planning Authority.

Reason: In the interests of residential amenity.

(07) PEDESTRIAN/ VEHICLE ACCESS UPGRADES

That the use hereby approved shall occur unless works for the upgrading of the pedestrian and vehicular access to the site along Station Road as detailed on approved drawing Richard Dingwall Architects 1013 Rev A and 146779/sk1004 Rev A (as contained within the approved Roads Technical Note dated 28th September 2023 on our website) or such other drawings as may subsequently be submitted to and agreed in writing by the Planning Authority, have been implemented in full and in accordance with the agreed scheme. For avoidance of doubt this should include the following:

- signage advising that “pedestrians are on the road ahead”
- the provision of “slow” markings on the road at either side of the bend; and
- a change in surfacing materials to delineate the crossing points/ pedestrian routes

Reason: In order to provide an appropriate standard of pedestrian access to the site and encourage the use of alternative and sustainable modes of travel.

(08) STAFF TRAVEL PLAN

That the use hereby approved shall not occur unless full details of a staff travel plan to include information on the accessibility of the site in terms of walking, cycling, and public transport have been submitted to and agreed in writing by the planning authority and thereafter the travel plan is displayed/distributed to all staff members in accordance with the approved details.

Reason: In order to encourage the use of alternative and sustainable modes of travel.

(09) LANDSCAPING AS PER APPROVED PLANS

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme (Richard Dingwall Architects drawing 1014 Rev B) and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being

severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, the use shall not take place unless the management and maintenance of the landscaping as shown on approved drawing Ref: 1014 Rev B is undertaken. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

(10) RESTRICTION OF USE CLASSES

That notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) the premises shall not be used for any other purposes other than Class 1A (Shops and Financial, Professional and Other Services) and Class 3 (Food and Drink) as shown on approved Richard Dingwall Architects Drawing No: 1016 Rev B and no change between Use Classes is permitted within the areas highlighted on the approved plan without a specific grant of planning permission by the Planning Authority.

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use on the amenity of the area.

(11) MATERIALS

That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason: in the interests of visual amenity.

ADVISORY NOTES FOR APPLICANT

NOISE FROM CONSTRUCTION WORKS

In order to protect the amenity of the occupants of neighbouring residential properties from noise resulting from development works, operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays, or at any time on Sundays.

SERVICING

That service deliveries/uptime to and from the property and refuse collection be restricted to occur only Monday to Friday between the hours of 07:00 to 19:00 and Saturday between 08:00 to 13:00, with none on a Sunday.

ODOUR MANAGEMENT

ACC Environmental Health officers recommend strict adherence to the managerial controls detailed within section 4.14 and 6.3 and Appendix K – 'Maintenance and Cleaning' of the

approved Noise & Odour Impact Assessment (Reference: Proposal Number 151120b, Revision 2, Date 22-01-21) to reduce risk of malodour and statutory nuisance going forward.

ROADS CONSTRUCTION CONSENT

It should be noted that proposed works to alter and upgrade pedestrian access along Station Road will require to be designed to Aberdeen City Council standards and subject to a Section 56 Roads Construction Consent procedure.

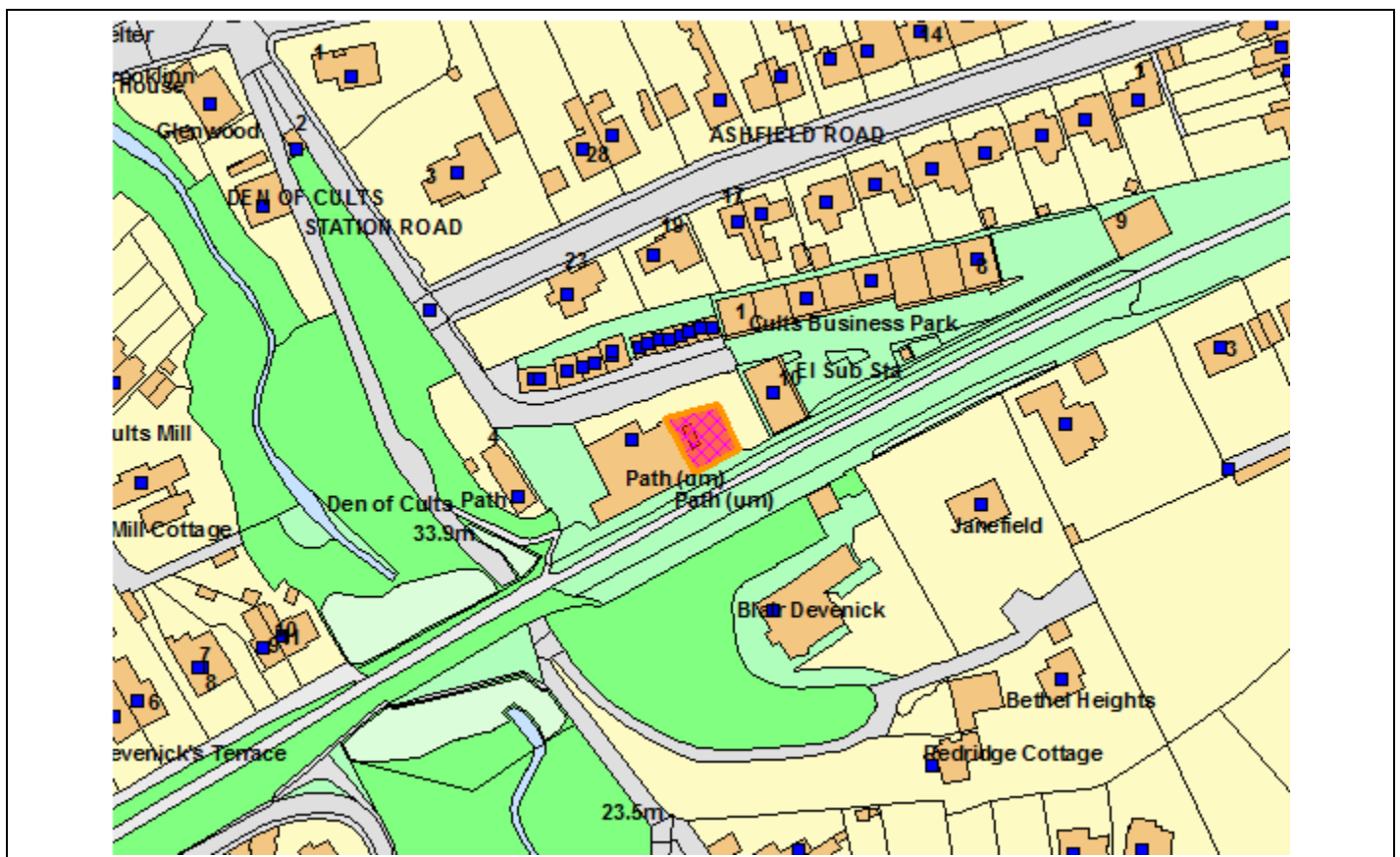


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 2nd November 2023

Site Address:	Former Cults Station, Station Road, Cults, Aberdeen, AB15 9NP
Application Description:	Retention of takeaway food kiosk and outdoor seating area with decking including change of use (temporary for 12 months)
Application Ref:	230922/DPP
Application Type	Detailed Planning Permission
Application Date:	3 August 2023
Applicant:	JJ's Food & Drink Co Ltd
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Gavin Clark



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site, which extends to approximately 210 sqm, relates to an area of land to the immediate east of the former Cults Railway Station on the southern side of Station Road and approximately 125m to the south of North Deeside Road and currently incorporates a coffee/ food kiosk with associated facilities, including outdoor seating area.

The adjacent former station building is currently utilised as a cycle repair business operating under the consented use class of the premises, which was previously a joinery store and workshop (and is currently subject to a separate planning application 230772/DPP) to change its use from class 4 (business) to class 1A (shops and financial professional and other services) and class 3 (food and drink)), also to be considered by Committee.

To the immediate south of the site is the Deeside Way, and further south there are mature trees lining the rear curtilage of a residential property which forms part of the boundary of the Pitfodels Conservation Area (the application site is outwith the conservation area). The Station building itself is located to the immediate west of the application site, with a residential property located approximately 40m west (4 Station Road) of the site. To the north and east are a number of commercial units, the larger of which lie within Cults Business Park (to the east). Further north is a number of residential properties on Ashfield Road (approximately 28m north of the site boundary, behind the existing business units).

Relevant Planning History

Planning permission (Ref: 211587/DPP) was approved by the Planning Development Management Committee on the 17th February 2022 for the installation of takeaway food kiosk and outdoor seating area with decking including change of use (partly retrospective) (Temporary for 18 months). This permission expired on the 31st July 2023.

An application for planning permission (Ref: 230772/DPP) is currently pending consideration (and is due to be considered at this meeting of the Planning Development Management Committee) for a change of use from class 4 (business) to class 1A (shops and financial professional and other services) and class 3 (food and drink) with covered outdoor seating area including demolition of existing lean to extension and erection of single storey extension; alterations to a shop front; re-cladding; installation of doors, rooflights and roof repairs with associated car parking and other associated works. This application relates to the former station building and immediately surrounding land, including the area that is the subject of the current application.

An application for planning permission (Ref: 210140/DPP) was refused by the Planning Development Management Committee in October 2021 for a change of use to class 3 (food and drink) with outdoor seating area including alterations to a shop front; re-cladding; installation of doors, rooflights and roof repairs with associated works. This application related to the former station building and immediately surrounding land, including the area that is the subject of the current application. No appeal was submitted against this refusal. The reasons for refusal of the application were that the proposal was considered contrary to Policy H1 due to the scale of development impacting on residential amenity and contrary to Policy T3 due to the absence of a segregated footway access from North Deeside Road.

APPLICATION DESCRIPTION

Description of Proposal

The proposal seeks detailed planning permission for the retention of the existing takeaway food kiosk and outdoor seating area with decking including change of use of the land for a further period of 12 months. The submitted site plan shows the existing kiosk building, which is located in the western section of the site and which measures 6m x 2.4m with an overall height of 2.7m; the area of decking measures 2m x 2.4m and is located approximately 0.27m above ground level. Existing timber fencing bounds the site. There are also cycle stands for 15 bicycles, a bin store located to the rear of the premises and three benches with associated seating areas east of the kiosk. Gated access is also provided to the Deeside Way. A gravel area used for parking is located to the north, outwith the application site on the southern edge of Station Road.

Amendments

None

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RUI3T7BZLVS00>

- Supporting Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee as the proposal has been subject to six or more letters of objection. Subsequently, the proposal falls outwith the Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – have no objection to the application. Their response will be discussed in greater detail in the evaluation section of this report.

ACC - Environmental Health – have provided advice in relation to environmental odour controls and operational hours for the building. Their response will be discussed in greater detail in the evaluation section of this report.

ACC - Waste and Recycling – have advised of the general waste management requirements for the proposed development.

Cults, Bielside and Milltimber Community Council – no response received.

REPRESENTATIONS

A total of 12 valid and timeously made objections have been received in relation to this application. The matters raised can be summarised as follows:

1. In relation to the planning process with the application, noting that the proposals were submitted after the original planning permission expired and further concerns in relation to breaches of planning control associated with the use including hours of operation, advertisements, cooking activities and the use of CCTV.

2. The hours of operation, noting that if permission were to be approved, then the hours of operation should reflect similar businesses found in Cults. Concerns were also raised in relation to the impact the proposals would have on similar businesses within the area. One comment also noted that there are no similar uses with access to the Deeside Way and within a residential area.
3. Road safety, in particular the access to the site, additional traffic on the road network, delivery vehicles accessing the site and parking associated with the facility.
4. Potential for litter, odour and noise associated with the facility
5. Overdevelopment of the site and associated impacts on the residential amenity of properties found in the surrounding area, being contrary to Policy H1 of the ALDP 2023.
6. Safety associated with the adjacent platform and access to the Deeside Way.
7. The relationship to the café/ restaurant, which is also being proposed by the applicant.
8. Potential for anti-social behaviour from the outdoor seating area associated with the use.
9. Restrictions which were put in place on Cults Business Park, when it was approved in the 1990s which, amongst other things restricted operations to 8am – 8pm Monday to Friday and 8am – noon on a Saturday, and that all consented uses should fall within Class 4 (Business) of the Use Class Order.
10. The route of leasing the premises from the Council to the applicant, and whether it was leased via the correct processes.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1: Tackling the climate and nature crises
- Policy 2: Climate mitigation and adaptation
- Policy 3: Biodiversity
- Policy 12: Zero waste
- Policy 13: Sustainable transport
- Policy 14: Design, quality and place

Aberdeen Local Development Plan (2023)

The following policies are relevant –

- Policy H1: Residential Areas
- Policy WB2: Air Quality
- Policy WB3: Noise
- Policy D1: Quality Placemaking

- Policy D2: Amenity
- Policy T2: Sustainable Transport
- Policy T3: Parking
- Policy R5: Waste Management Requirements for New Development

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Transport and Accessibility
- Temporary Buildings
- Noise
- Outdoor Seating (Adopted)

EVALUATION

Principle of Development

In terms of the principle of development, the application site is located within a designated residential area where Policy H1 (Residential Areas) of the ALDP 2023 applies. H1 advises that within such areas, proposals for non-residential uses 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 existing residential amenity.

The Planning Authority must therefore consider the continued impact of the kiosk and associated works and whether the retention of the building/ use would be complementary to the surrounding uses, which are a mix of commercial and residential in nature, and whether it can be demonstrated that the use would have no adverse impact on residential amenity. Compliance with Policy H1 of the ALDP 2023 will be discussed further below.

Impact on Residential Amenity

A number of residential properties in the surrounding area have objected to the proposed development in terms of its impact on residential amenity. There are a number of residential properties in the surrounding area, to the north on Ashfield Road, located approximately 28m from the application site boundary, a dwellinghouse to the west at 4 Station Road, which is located beyond the existing station building at a distance of approximately 42m. It is also noted that the properties on Ashfield Road sit at a higher level than the former station area, and there are existing business uses and garages which sit between the application properties and these rear boundaries. The dwellinghouse to the south lies around 40m away, with trees and bushes on its northern boundary.

The retention of the café kiosk for a further temporary period is considered acceptable given the context of the surrounding area, which is mixed use in nature with nearby residential properties and a number of business and commercial uses in the immediate surrounds, with the immediate context being associated with the business park and the adjacent cycle repair business. The location of the site adjacent to the Deeside Way also brings a number of users to the site via that access and allows the proposal to cater for both a local and wider pool of users, with walkers and cyclists being able to utilise the facility, without the requirement to necessarily access the site via road from North Deeside Road.

It is clear that the proposals would have some impact on residential amenity, as has been highlighted in a number of the representations, although the impact is not considered to be to a significant degree that would warrant refusal of planning permission, due to the relatively small scale of the operations, along with the hours of operation (which are to be controlled via condition). The kiosk does not undertake cooking of foods on site, rather the reheating and provision of foods such as paninis and toasties, and colleagues in Environmental Health remain content with this aspect of the proposal, and if any further complaints were to be received in relation to these matters then these would be investigated under the appropriate legislation. The hours of operation as proposed remain acceptable to colleagues in Environmental Health, with a condition proposed to be applied to the permission in this regard.

Considering the above, given the nature of the proposal, subject to appropriate restrictions, the proposed cooking operations, and the hours of operation, the proposal would not have an adverse impact on residential amenity to such an extent that would warrant refusal of planning permission. The proposal is therefore considered to comply with Policy H1 (Residential Areas) and D2 (Amenity) of the ALDP 2023.

Outdoor Seating

Also of relevant is the adopted Aberdeen Planning Guidance (APG) in relation to Outdoor Seating. This advises that advises that *“proposals for outdoor seating should consider both the immediate and wider context in which they would be situated. As a new addition to an area, the agent of change principle will be applied whereby the applicant is responsible for ensuring their proposals would not cause unnecessary harm to the existing amenity of the surrounding area.”*

In terms of the above, it is considered that the proposed outdoor seating area would be located sufficiently distant and could be adequately controlled (via the consented hours of operation for the kiosk itself) to ensure that the proposals would have no undue adverse impact on the amenity of the surrounding area. In addition, the outdoor seating area would be visible from the existing premises, would not prevent access to neighbouring properties, would respect the amenity of the neighbouring area (as discussed elsewhere), would have suitable waste arrangements and would have no unsociable hours. The proposal is therefore considered to be in general accordance with the aforementioned APG.

Temporary Buildings

Also of relevance is the Interim Aberdeen Planning Guidance (IAPG) in relation to Temporary Buildings.

This advises that *“The Council consider that in most circumstances three years is a reasonable timescale for portable buildings given their basic nature. Should a further period be required, a new planning application would be necessary and the Council would consider that on its merits. During this assessment the Council will consider whether:*

- *the buildings have been maintained in a satisfactory condition, and;*
- *the applicant can present a justifiable case for the continued use of a temporary building rather than the erection of a permanent replacement.”*

The proposal seeks to retain the existing kiosk for a further period of 12 months. From undertaking a site visit it is clear that the building has been maintained in a satisfactory manner. The applicants have also submitted a planning application for the wider site re-development to allow a permanent mixed use development, including a café use to be operated from the main former station building,

and the temporary building would be required for a further period of 12 months to allow for this to take place (should planning permission be granted for that proposal). In this instance the Planning Service are content that the proposals can be justified for a further period and the proposals would comply with the above guidance in this respect.

The IAPG also advises that such buildings should be appropriately located away from the principal elevation, avoid the loss of parking spaces, and avoid landscaped areas. The building is located to the side of the station building, does not utilise existing parking spaces and would not be sited within a landscaped area. As a result of the above, and subject to conditions controlling the temporary nature of the building, it is considered to comply with the Interim Aberdeen Planning Guidance: Temporary Buildings.

Design and Scale

Policy 14 (Design, quality and place) of NPF 4 states that *“development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale”* and *“development proposals will be supported where they are consistent with the six qualities of successful places: healthy, connected pleasant, distinctive, sustainable, adaptable”* while Policy D1 (Quality Placemaking) of the ALDP 2023 advises that *“all development must ensure high standards of design, create sustainable and successful places”*, and also reiterates the Scottish Government’s six qualities of a successful place.

It is noted that in the assessment for the original coffee kiosk application the Planning Authority recognised that the proposal was relatively small scale when compared with the surrounding context; being seen against the backdrop of the station buildings and surrounding business uses. The building and associated structures, on the basis of a further temporary period, has been sited and design with due consideration for its context and would have no adverse impact on the character or amenity of the surrounding area, which includes a mixture of business uses as well as residential properties. The proposal is therefore considered to be in general compliance with both Policy 14 of NPF4 and with Policy D1 of the ALDP 2023.

Traffic/ Roads Impact

Policy T2 (Sustainable Transport) of the ALDP 2023 provides various guidance and seeks to *“minimise traffic generation, increase accessibility, encourage public transport and provide relevant infrastructure”* within the application site. Policy T3 (Parking) of the ALDP 2023 discusses matters such as parking within development and electric vehicle infrastructure. Policy 13 (Sustainable transport) of NPF4 provides similar guidance and advises that *“development will be supported where it has been designed in association with sustainable travel, provides direct links to local facilities, will be accessible by public transport, provide electric vehicle charge points, provide safe and convenient cycle parking and consider the needs of all users, as well as mitigate the impact of development on local transport routes”*.

The proposal has been assessed by colleagues in Roads Development Management, who have noted that the proposals are essentially a renewal of 211587/DPP. They consider the levels of both cycle and car parking on site to be acceptable (with an increase in cycle parking provision) and consider the swept path for a 7.5 tonne vehicle to be appropriate in this instance. They have confirmed they have no objection to the proposals and subsequently there would be no conflict with either Policy 13 of NPF4 or with Policies T2 and T3 of the ALDP 2023.

Waste

Policy 12 (Waste) of NPF4 advises that *“development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.”* Policy R5 (Waste Management Requirements for New Developments) of the ALDP 2023 advises *“all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate”*.

The Supporting Statement indicates that waste facilities are enclosed to the rear of the kiosk, with one waste collection every two weeks from the roadside adjacent to the yard area, with swept path having been submitted to demonstrate how vehicles can access and exit the site. The proposals have been reviewed by colleagues in both Waste and Roads Development Management, who have raised no objections to the current arrangements. Subsequently, there is no conflict with either Policy 12 of NPF4 or with Policy R5 of the ALDP 2023.

Noise

Policy WB3 (Noise) of the ALDP 2023 advises 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.”*

The proposals and associated supporting information has been assessed by colleagues in Environmental Health. As with the previous application they have noted that the premises does not have a suitable commercial Local Extract Ventilation (LEV) system, which is considered necessary for removal and capture of cooking emissions to control odour and for food hygiene purposes and as a result the premises are not considered suitable for unrestricted cooking activities due to the risk of an adverse odour impact on neighbouring residential properties. Based on the information contained within section 5.4 of the Design Statement colleagues in Environmental Health are satisfied with the provision of a suitably worded condition to restrict cooking activities which are more likely to give rise to odour emissions.

They have also noted that the Design Statement includes details of the hours of operation, which they also consider to be appropriate for the site. Opening hours are proposed to be seasonal, with the following proposed and considered to be acceptable: 08:00 to 19:00 Monday – Thursday, and 08:00 to 20:00 Friday to Sunday (April to September) and 08:00 to 17:00 Monday – Saturday and 09:00 to 17:00 on a Sunday (October to March). This is understood to be in line with the licence granted for the site, along with the hours granted under 211857/DPP.

Colleagues in Environmental Health have raised no objection to the application and as a result the proposed development would comply with Policies WB2 (Air Quality) and WB3 (Noise) of the ALDP 2023.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate mitigation and adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, which relates the retention of a catering kiosk for a further temporary period of 12 months, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals. Therefore the proposals are compliant with Policies 1 and 2 of NPF4. The proposed development would be small-scale and does not offer the opportunity for any biodiversity gain (which will be discussed in further detail in the associated planning application for the wider site) and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 of NPF4.

Matters Raised in Representation

1. In relation to the planning process with the application, noting that the proposals were submitted after the original planning permission expired and further concerns in relation to breaches of planning control associated with the use including hours of operation, advertisements, cooking activities and the use of CCTV. *Response: the timing of the submission of the application was unfortunate, and the submission of the application took a number of reminders from the Planning Service to the applicant. That being said, correct procedures have been followed in this instance. It should also be noted that a number of potential breaches of planning control have been investigated on site (both by Planning and Environmental Health), with either no breaches found or the breach of planning control rectified.*
2. In relation to the hours of operation, noting that if permission were to be approved, then the hours of operation should reflect similar businesses found in Cults. Concerns were also raised in relation to the impact the proposals would have on similar businesses within the area. One comment also noted that there are no similar uses with access to the Deeside Way and within a residential area. *Response: the proposed hours of operation are in line with the previous approval on site and were considered to be acceptable to colleagues in Environmental Health. The impact on similar uses in the surrounding area is not considered to be significant and the fact that the proposal is the only such use on the Deeside Way is noted.*
3. In relation to road safety, in particular the access to the site, additional traffic on the road network, delivery vehicles accessing the site and parking associated with the facility. *Response: colleagues in Roads Development Management have raised no objection to this element of the proposal, with swept path analysis submitted and appropriate levels of parking provided within the curtilage of the site.*
4. With regards to litter, odour and noise associated with the facility. *Response: a Litter Management Plan was previously conditioned on site, and it is the intention of the Planning Authority to retain this condition for the duration of the planning permission.*
5. In relation to overdevelopment of the site and associated impacts on the residential amenity of properties found in the surrounding area, being contrary to Policy H1 of the ALDP 2023. *Response: the Planning Authority have considered the impact on residential amenity in the above evaluation and do not consider the impacts to be contrary to the aims and aspirations of the ALDP 2023.*
6. In relation to safety associated with the adjacent platform and access to the Deeside Way. *Response: the platform is outwith this site, but it is noted that safe access can be taken onto the Deeside Way to the west of the application site and station building.*

7. In relation to the café/ restaurant, which is also being proposed by the applicant. *Response: not relevant to the determination of this application.*
8. Anti-social behaviour from the outdoor seating area associated with the use. *Response: not a material planning consideration.*
9. In relation to restrictions which were put in place on Cults Business Park, when it was approved in the 1990s which, amongst other things restricted operations to 8am – 8pm Monday to Friday and 8am – noon on a Saturday, and that all consented uses should fall within Class 4 (Business) of the Use Class Order. *Response: the planning permission was granted in the 1990s and relates to the adjacent business park. It is not considered to be of direct relevance to the determination of this application.*
10. Concerns were raised in regards to the route of leasing the premises from the Council to the applicant, and whether it was leased via the correct processes. *Response: this is not a material planning consideration.*

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The retention of the takeaway food kiosk and outdoor seating area use for a further period of 12 months is considered to be an acceptable form of development, which is not considered to have an adverse impact on the character and amenity of the surrounding area. The building has been designed with due consideration for its context and is located in an accessible location, with an acceptable access, parking area and cycle parking facilities provided to the satisfaction of colleagues in Roads Development Management. The building is considered to be of a temporary nature and a related temporary permission is considered appropriate. The proposal is considered to comply with Policies 1: Tackling the climate and nature crises, 2: Climate mitigation and adaptation, 3: Biodiversity, 12: Zero waste, 13: Sustainable transport and 14: Design, quality of National Planning Framework 4 and with Policies H1: Residential Areas, WB2: Air Quality, WB3: Noise, D1: Quality Placemaking, T2: Sustainable Transport, T3: Parking and R5: Waste Management Requirements for New Development of the Aberdeen Local Development Plan 2023 and the adopted Aberdeen Planning Guidance: Outdoor Seating.

CONDITIONS

(01) TEMPORARY PERMISSION

That planning permission is hereby granted for a temporary period only and shall cease to have effect on 1st November 2024 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and reinstated in accordance with the agreed restoration scheme submitted to and approved in writing by the Planning Service under the terms of Condition 2 of this permission.

Reason: To enable the impact of the temporary development on the amenity of the surrounding area to be reviewed and to ensure the appropriate restoration of the site.

(02) SITE CLEARANCE

That at least two months prior to the cessation date of 1st November 2024, full details of a scheme for the restoration of the application site shall be submitted to and approved in writing by the Planning Service. Prior to the cessation of this permission the site shall be restored in accordance with the approved restoration scheme.

Reason: To ensure the timeous and appropriate restoration of the site following the expiry of this temporary permission, in the interests of the visual amenity of the area.

(03) COOKING ACTIVITIES - RESTRICTION

That no cooking or frying operations (including but not limited to: deep fat frying, shallow frying, oven cooking, boiling, stewing, grilling, or broiling) shall be carried out on the premises.

Reason: in order to protect the amenity of neighbouring uses from cooking odours.

(04) LITTER MANAGEMENT PLAN - COMPLIANCE

That the proposals hereby granted planning permission shall be undertaken in accordance with the details outlined in the Litter Management Plan (Section 5.8 of the approved Supporting Statement Ref: 230922-01 dated 28th July 2023).

Reason - In order to ensure suitable waste storage and collection arrangements are in place, including appropriate facilities for customers and to protect public health and the amenity of the area.

(05) HOURS OF OPERATION

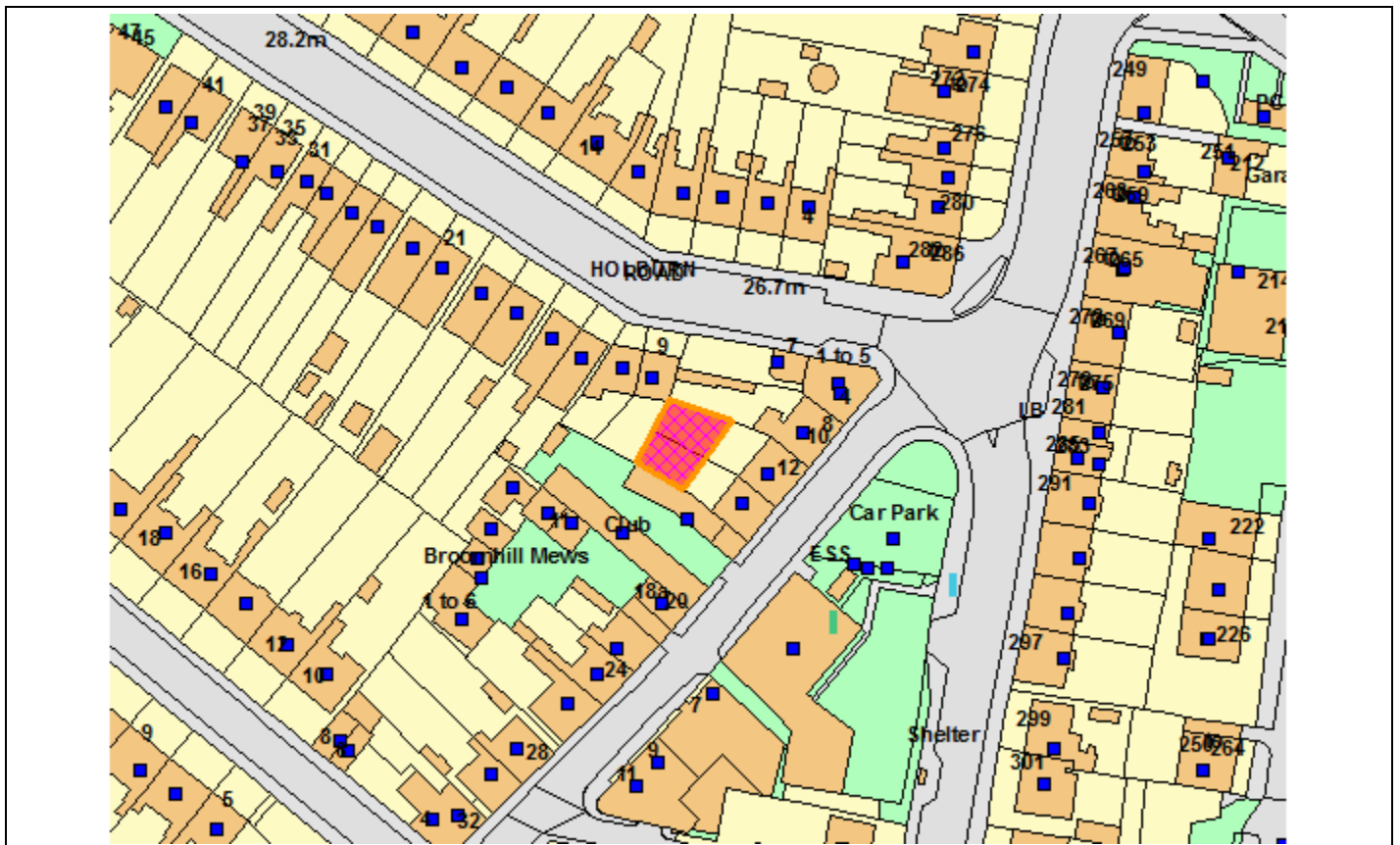
That the use hereby approved shall not operate outwith the hours of 08:00 to 19:00 Monday – Thursday, 08:00 to 20:00 Friday to Sunday (April to September) and 08:00 to 17:00 Monday – Saturday and 09:00 to 17:00 on a Sunday (October to March).

Reason: In order to preserve the amenity of neighbouring properties.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 2 November 2023</p>
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Site Address:	Rear Of 12 - 14 Broomhill Road, Aberdeen
Application Description:	Change of use from amenity land to class 4 (business) including installation of fence and roller shutter doors associated with 16 Broomhill Road (part retrospective)
Application Ref:	230550/DPP
Application Type	Detailed Planning Permission
Application Date:	24 May 2023
Applicant:	AJM Plumbing
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Ashley And Broomhill
Case Officer:	Aoife Murphy



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site relates to a small area of land to the north east of 16 Broomhill Road and to the rear of 12 - 14 Broomhill Road, close to its junction with Holburn Street and Holburn Road. The piece of land is noted on the application form as being within the sole ownership of the applicant, with the use noted as 'neglected garden ground'. The site is separated from the garden ground to the rear of 12 - 14 Broomhill Road that serves the flats within those buildings by a low lying wall and was at one point all overgrown. The site is bound to the north and west by a circa 2-2.4m high stone wall, where it shares a boundary with rear gardens of neighbouring residential properties on Holburn Road and Broomhill Road, and is bound on its south side by the existing store building at the applicant's premises at 16 Broomhill Road.

Works have recently taken place on site to remove all vegetation from the site, which does not constitute development. Further to this, the low boundary wall that lay along the centre of the site has also been removed and a new blockwork wall measuring 1.8m high has been installed along the south east boundary

16 Broomhill Road comprises a 1½ storey building and area of hardstanding, both associated with the applicant's business, AJM Plumbing, an established Class 4 (Business) use. The premises provide office, storage and yard facilities associated with that business. The application site is located within a residential area as defined in the Aberdeen Local Development Plan, but the area directly to the south east falls within the designated neighbourhood centre of Holburn Street, consisting of retail units and professional services. The immediate area has a mixed-use character, with 16 Broomhill Road having long been in commercial use.

Relevant Planning History

211030/DPP – Detailed Planning Permission for the erection of single storey extension to side and window enlargement to form door (amendment to prev. approved application ref. 201240/DPP) to include additional windows and doors (retrospective) – Approved 06.10.2021.

201240/DPP – Detailed Planning Permission for the erection of single storey extension to side and window enlargement to form door – Approved 15.10.2020.

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought for a change of use of the site from residential amenity land to class 4 (business) use, which would be associated with the existing plumbing business at 16 Broomhill Road. The proposal would also see the installation of a 2m high stained timber fence, around the site on the north east and south east boundaries, which would sit inside the existing walls, and the formation of an opening on the north east elevation of the existing building to allow access to the site. This opening would measure 3.5m by 2.3m, this would be infilled by a roller shutter door. It should be noted that the applicant has started works on the site with the opening in the wall already formed, thus the application is part retrospective.

The land subject to the application would be taken into the curtilage of 16 Broomhill Road for the purposes of storage of ladders and scaffolding associated with the existing business. These would be used on occasional plumbing projects to meet health and safety requirements. As noted above, as part of the development, the applicant has removed the centre wall, solely the part that

falls within the application site, which runs north west to south east between 12 and 14 Broomhill Road and remove any overgrown grass and vegetation. It is proposed that the 168m² area would then be laid with a weed suppressant layer of geo-textile fabric with stone chippings on top.

It is understood that the application site would have once formed part of the domestic curtilages of the tenements at 12 and 14 Broomhill Road but this is no longer the case.

Amendments

The application description has been amended by the Planning Service as it is considered that the proposed use is ancillary to the existing Class 4 business. It was not considered necessary to re-notify neighbours as the comments made are still relevant to the proposal and will be taken into account in the subsequent evaluation.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RU4XGQBZJ7V00>

- Supporting Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the Planning Service has received six or more timeous representations all objecting to the development, as such the proposal requires to be determined by Planning Development Management Committee.

CONSULTATIONS

ACC - Environmental Health – no concerns or observations with this proposal.

ACC - Roads Development Management Team – no objection to this proposal.

Ashley and Broomhill Community Council – no comments received.

REPRESENTATIONS

Seven representations have been received all objecting to the proposal. The matters raised can be summarised as follows –

- Area is being considered for redevelopment by local residents
- Impact on private garden area and use of private garden area/amenity space
- Impact on local amenity
- Impact on privacy and overlooking
- Impact on sunlight
- Impact on visual amenity
- Increase in traffic and vehicles Noise and disturbance
- Impact on residents due to construction
- Light pollution
- Impact on habitats
- Expansion of business not compatible with area and expansion opportunities in Aberdeenshire
- Environmental concerns due to increase in vehicle usage and storage of other goods

- The representations also raised the following concerns that are not material to the assessment of this planning application and therefore will not be considered: Devaluation of property
- Ownership of land
- Security risk
- Object to the description of 'neglected garden area'
- Sink hole on public road
- Impact on domestic pets

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 3 (Biodiversity)
- Policy 14 (Design, Quality and Place)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

EVALUATION

National Planning Framework 4 (NPF4)

NPF4 sets out a number of policies that aim to meet the six overarching spatial principles. In this case, five policies are relevant, Policy 1 (Tackling the Climate and Nature Crises), Policy 3 (Biodiversity), Policy 14 (Design, Quality and Place) and Policy 23 (Health and Safety).

Policy 1 (Tackling the Climate and Nature Crises) states that significant weight will be given to the global climate and nature crises, however, it is not considered that the proposed change of use to this area would result in any detrimental impact on climate change.

Policy 3 (Biodiversity) seeks to protect biodiversity and reverse biodiversity loss, with section a) advising that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. In this case, the proposal would result in a loss of vegetation and thus opportunities for biodiversity. This is in direct conflict with Policy 3 and therefore raises some concerns. Such matters have also been raised within the submitted representations and has been discussed with the applicant. In light of this, amended plans has been submitted highlighting that a soft edge would be provided against the northern boundary wall, where the ground is to be left to 'naturalise'. It would be planted initially with a wild flower mix to encourage pollinators, attracting bumblebees, moths and goldfinches, the mix to include a local Biennial and perennial wildflowers.

Further to this, three wall mounted bird houses would be installed along the wall to the north west of the site. As such, it is considered that the proposal is acceptable when assessed against Policy 3 (Biodiversity), subject to a condition ensuring these biodiversity enhancements are implemented prior to the area being brought into use.

Policy 14 (Design, Quality and Place) seeks to ensure that proposals are designed to improve the quality of an area whether in urban locations and regardless of scale and Policy 23 (Health and Safety) seeks to protect people and places from environmental harm, such as noise. Both matters will be considered in full below.

Principle of Development

With respect to the Aberdeen Local Development Plan (ALDP), the site is located within a designated residential area and thus Policy H1 (Residential Areas) is the principal policy. Policy H1 advises that within existing residential areas, proposals for non-residential uses will be supported if they are considered complementary to the residential use or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

In this case, the proposed use would be associated with an existing business which falls within a Class 4 use, which is a use that is considered appropriate in residential areas. As such the use class in itself is not considered to be an issue. However, a relevant consideration with this proposal is the possible impact on amenity, specifically the general amenity currently experienced by the surrounding residential properties, with respect to the reduction in outlook owing to the erection of the fence and the use of this area as storage associated with existing business. All of these matters have been raised as concerns within the submitted representations. The ALDP, specifically paragraph 7.6, when addressing amenity states that it *'has an influence on the quality of life of individuals and communities. Poor amenity can have detrimental impacts on health and wellbeing'*. It goes on to advise that consideration should be given to neighbouring properties to ensure there are no unreasonable impacts on daylight, sunlight, noise, outlook and privacy and overlooking.

In terms of the current situation, the Planning Service has been advised that this 168m² area is residual land retained by a developer following extensive refurbishment of both tenement blocks and gardens at 12 - 14 Broomhill Road, with the application site recently purchased by the applicant. Having reviewed the historical maps and the title deeds for 12 - 14 Broomhill Road it is clear that while the site once formed part of the adjacent rear gardens, it is no longer part of the residential curtilage of 12 – 14 Broomhill Road, nor within the ownership of those that live in the flats. It is therefore a landlocked area that currently remains within residential use. It has been established that the existing Class 4 business is a use that can be appropriately sited in a residential area and while the proposal would represent an extension of that use, it is considered that such a change would result in the loss of established garden ground. However, as noted the site, albeit in residential use, does not form part of the defined curtilage of any residential property and is not available for the use of residents. While it is noted that works have been undertaken to the rear of 14 Broomhill Road, where a portion on the wall separating the rear garden area from the site has been removed and the overgrown vegetation cleared, evident from photographs submitted with the application, it is not clear when this work took place. The Planning Service has been advised that this section of wall would be reinstated during the course of the works currently proposed by the applicant. In terms of the removal of the section of wall, this would not require consent and as the use of the area is residential there has been no breach from a land use perspective. It appears that the works that have taken place and the use of this area as part of the garden space of 14 Broomhill Road relate to an ownership issue rather than use, an area that the Planning Service have no remit in. As such, and given the highlighted ownership situation, it is not considered that there would be an impact on any existing private garden area associated with 12-14 Broomhill Road.

Turning now to the proposed use, as has been outlined above, the applicant wants to use this area as ancillary storage for the existing plumbing business. The Planning Service has been advised that this area would be used to store scaffolding and ladders, essential equipment for the safe running of the business. It is also acknowledged that if permission is granted, the site could be used for the storage of any materials/equipment associated with the existing business. Therefore, the Planning Service need to determine if the use of this area of land as Class 4 would be harmful to or impact on general amenity of the area.

Concerns have been raised that the storage of equipment or material as proposed could harm residential amenity in terms of noise. The supporting statement advises that office operating hours are currently 8am to 5pm Monday to Friday and generally there is no presence on the premises in the evenings or over the weekend. The Planning Service did request information in relation to any works being carried out outwith office hours and was advised that access to this area would be limited to the aforementioned office hours. Currently, the site at 16 Broomhill Road is bounded by a high wall, furthermore, the rear elevations of the surrounding properties, specifically 10, 12 and 14 Broomhill Road and 9 Holburn Road are separated from the business' current premises by long gardens and this existing area of vegetation. The proposed change of use of this area of land would mean that the Class 4 use will be closer to the elevations of the aforementioned properties and also closer to their external amenity space, which currently benefits from a degree of separation. As such, there is a concern that the noise that would be a direct result of scaffolding/equipment being loaded and unloaded from vehicles could impact the general amenity. However, given that the activity within the site would be during daytime office hours (as advised by the applicant) and planning condition is proposed in this regard. Furthermore, the applicant also advised that all the equipment will be unloaded and loaded manually from the business vans with employees parking within the grounds of 16 Broomhill Road and not accessing the site with vehicles. It is also considered that the provision of the fence and the wall the has been erected would act as a form of acoustic barrier, somewhat protecting amenity for the surrounding properties. Environmental Health were consulted on this proposal, but the Service has raised no concerns or observations with this proposal. As such, no additional information is required to support the proposal.

In relation to daylight and sunlight, there are concerns, highlighted through representations, that the development could have an impact due to the installation of a 2m high fence along the north east and south east boundaries. Overall, it is considered that a fence of this height and finish is similar to that of a domestic property within an urban area. Additionally, having undertaken calculations via the 45° test to understand what the impact relating to sunlight/daylight will be, it is considered that the proposed fence would have no significant impact on the rear garden of 12 and 14 Broomhill Road.

In respect of outlook, privacy and overlooking, given the proposed use, it is unlikely that any significant impacts would occur owing to the proposed use and overall level of development. In terms of outlook, the site would be cleared of vegetation and a fence would be installed, while the area would be used for storage, the level of outlook is unlikely to change. In considering privacy and overlooking, given the nature of the proposal and the proposed fence, it is unlikely that any overlooking would occur, and the fence itself would reduce any impacts on privacy to the rear garden areas of 12 and 14 Broomhill Road.

With regards to lighting, a matter which has been raised within representations, the applicant has advised that LED lighting will be installed at low level on the fence yard side providing a safe working lighting level for staff, with the installation on the fence ensuring a physical shield that would limit light spill beyond the yard. It is recognised that the provision of lighting here would allow for a glow while the lights were in use. However, the applicant has advised that the lighting would be controlled on an 8.30am - 5.00pm timer Monday to Friday, and only triggered by a passive infrared sense and movement between these hours. It is recommended that a condition is

applied to the planning permission requiring full specified details of the lighting to be provided prior to any lighting being installed.

Therefore, while concerns relating to the impact on local amenity in respect of noise and disturbance, daylight, sunlight, outlook and privacy and overlooking have been raised through submitted representations, as outlined above the Planning Service do not have significant concerns regarding these aspects and none that would warrant the refusal of this application. In terms of impact on visual amenity, given the area is located to the rear of a number of properties, there would be no impact on visual amenity from any public viewpoints. While the site would be visible from the surrounding properties, the degree of change is not sufficient to consider it to be an impact on visual amenity. The applicant is seeking to bring this site back into use and has proposed suitable mitigation measures to resolve any issues highlighted through representations.

In light of the above, it is considered that the proposal is considered acceptable when assessed against Policy H1 (Residential Areas) of the ALDP as it is considered that the proposed use is complementary to the existing residential use and would therefore cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity, in line with Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP and Policy 14 (Design, Quality and Place) and Policy 23 (Health and Safety) of NPF4.

Other Matters raised through Representations

A number of matters have already been addressed through the above assessment, those remaining will be considered below.

- Increase in traffic and vehicles with the increase storage space – *given that this is an extension of an existing use and incorporates a small area of 168m², it is not considered that there would be any increase in the intensification of the use in terms of vehicular movements. Further to this, Roads Development Management Team has advised that it has no concerns with the proposal.*
- Impact on residents due to construction – *given the nature of the development, it is not considered that there will be any long term impacts from construction. The Planning Service will advise the applicant of the proper hours of construction work, to limit any impacts.*
- Expansion of business not compatible with area and expansion opportunities in Aberdeenshire – *a Class 4 use is compatible within a residential area as has been highlighted above. The Planning Service cannot comment on opportunities in Aberdeenshire.*
- Environmental concerns due to increase in vehicle usage and storage of other goods – *given that this is an extension of an existing use and incorporates a small area consisting of 168m², it is not considered that there would be an increase if vehicle numbers related to this business as highlighted above. Furthermore, while other good could be stored in this area as noted above, fundamentally the use is still Class 4, which is considered to be complementary to a residential area*

RECCOMENDATION

Approve Conditionally

REASON FOR DECISION

It is considered that the proposed use is complementary to the existing Class 4 business use and can be undertaken without causing undue conflict with, or any nuisance to, the enjoyment of existing residential amenity, owing to the proposed boundary treatment and access being taken from the applicant's adjoining premises. As such, the proposal complies with Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen

Local Development Plan 2023 and Policy 1 (Tackling the Climate and Nature Crises), Policy 3 (Biodiversity), Policy 14 (Design, Quality and Place) and Policy 23 (Health and Safety) of National Planning Framework 4.

CONDITIONS

(01) DURATION OF PERMISSION

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

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

(02) HOURS OF OPERATION

That the use hereby approved shall not operate outwith the hours of 8:00am and 5:00pm Monday – Friday.

Reason - to ensure no loss of amenity for surrounding properties and to align with the office hours of the business.

(03) EXTERNAL LIGHTING

That the use hereby approved shall not operate unless a lighting plan, with details, specifications and illumination levels, of all lighting to be installed within the site has been submitted to and approved in writing by the planning authority. Thereafter, the lighting shall be installed in accordance with that plan and not be altered, other than being removed, without agreement from the planning authority.

Rason - in order to ensure lighting does not impact on the general amenity of the surrounding residential area.

(04) EXTERNAL LIGHTING TIMES

That the lighting contained within the lighting plan, to be agreed under condition 2, shall not operate outwith the hours of 8:00am and 5:00pm Monday – Friday .

Reason - to ensure that light pollution from the development does not result in undue loss of amenity for surrounding properties.

(05) BIODIVERSITY

That the use hereby approved shall not operate unless the biodiversity enhancements as noted on plan reference 23021_004_pl, shall be implemented on site. Thereafter, these measures shall be retained in perpetuity.

Rason - in order to protect and enhance biodiversity, deliver positive effects from the development and strengthen nature networks.

ADVISORY NOTES FOR APPLICANT

HOURS OF DEMOLITION AND CONSTRUCTION WORK

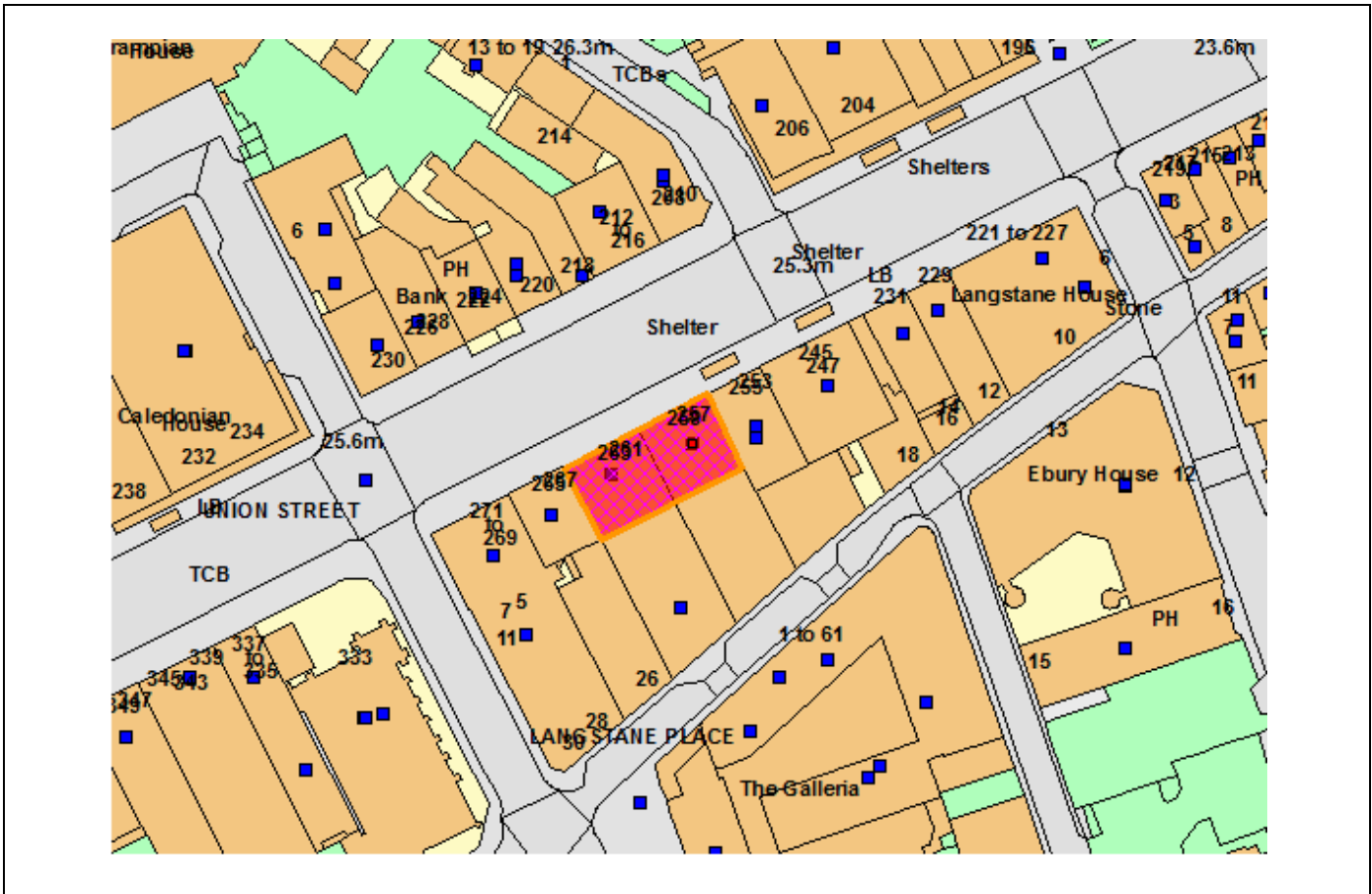
Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.

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 <p>ABERDEEN CITY COUNCIL</p>	<p>Planning Development Management Committee</p>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 02 November 2023</p>

Site Address:	259 Union Street, Aberdeen, AB11 6BR,
Application Description:	Change of use from office to student accommodation (sui generis) including refurbishment and replacement of windows, alterations of vents and associated works
Application Ref:	230246/DPP
Application Type	Detailed Planning Permission
Application Date:	13 March 2023
Applicant:	Inspired City Living LLP
Ward:	Torry/Ferryhill
Community Council:	City Centre
Case Officer:	Laura Robertson



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RECOMMENDATION

Approve conditionally subject to legal agreement

APPLICATION BACKGROUND**Site Description**

259 – 263 Union Street are category B listed buildings located within the City Centre Conservation Area. They are located on the south side of Union Street close to the junction with Bon-Accord Street.

259 Union Street was constructed around 1890 and is a 3 storey and attic, 4 windowed tenement building. It is finished in simple ashlar stonework with detailed dormers and stone balustrades to the roof. The windows are one over one, traditional sliding sash and case units. Several fans have been added to the window panes. To the ground floor is an Italian Restaurant.

263 Union Street was constructed around 1900 and is also a 3 storey and attic property, though with 3 windows. There is a central bay with decorative dormers and balustrade to the top floor. The windows on this building are two over one sliding sash and case units on the 1st and 2nd floors with the attic, one over two and six over two within the central double window. To the ground floor there are two units one is a skin care clinic and the other recently converted to a restaurant. Both buildings have basement accommodation and projecting rear ground floor extensions.

The current application does not relate to the ground floors of the two buildings, only the upper floors and the basement of 259. The two buildings are linked internally and were most recently in office use and are now vacant.

Relevant Planning History

Application Number	Proposal	Decision Date
210069/LBC	Change of use from offices to form 11 no. residential flats (sui generis) on upper floors, alterations and replacement of rear windows, installation of bike rack, removal of partitions, internal alterations and associated works	Awaiting Decision
210070/DPP	Change of use from offices to form 11 no. residential flat (sui generis) on upper floors, alterations and replacement of rear windows	Conditional permission Granted 28 09 23 with legal agreement
230245/LBC	Tandem LBC application for Conversion of building to form student accommodation including refurbishment and replacement of windows, alterations of vents and associated internal works	Awaiting Decision

231055/DPP	Change of use from office to student accommodation (Circa 54 Beds) including refurbishment and associated works	Awaiting Decision
231054/LBC	Conversion of building to form student accommodation including refurbishment and associated works	Awaiting Decision

APPLICATION DESCRIPTION

Description of Proposal

The proposal is for the conversion of the upper floors of two former office buildings into 25 student accommodation units comprising bed, desk, ensuite shower room, kitchenette, storage and a small seating area. The rooms vary in size from one at 20m², four at 21m², four at 23m², two at 25m², one at 26m², seven at 28m² and two at 29m². There is one shared student social space located on the first floor. The proposal includes the replacement of one window in the properties, this is located to the rear and is not original. An additional three windows would have their upper glazing panes removed and replaced. The proposal also adds flues to the rear elevation of the roof on both properties. By each floor, the proposed accommodation would comprise the following:- First Floor: seven student rooms and communal student social space; Second Floor: nine student rooms and Third Floor: nine student rooms. The accommodation would be accessed from the existing stairwell onto Union Street at 259.

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RQUN6BBZH4A00>

Noise Impact Assessment – Airshed
Supporting Planning Statement
Window Survey

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection has been received from the City Centre Community Council.

CONSULTATIONS

ACC - Environmental Health –

Reviewed the Noise Impact Assessment. The proposed development is considered acceptable in relation to noise, provided the recommended noise mitigation measures contained within the report (or other measures demonstrated as appropriate and accepted by Environmental Health) are applied as set out. Environmental health also made comment on the construction hours not occurring outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays, an advisory note would be added to a decision notice if consent is granted.

ACC - Roads Development Management Team –

Consider the site is well served by an adopted public footpath and there are numerous public transport services which provide connectivity to the wider area. Acceptable that no parking is to be provided due to the City centre living. Cycle provision is required as one space per every 3 students as per guidance but any addition to this are welcomed (the proposal shows 11 bike storage racks.) Car club contributions are required.

Refuse collection- An on-street solution was found, though it requires transporting the bin bags further than is desirable. This solution is largely due to large street bins not being able to be accommodated on Union Street and the lack of internal space for accommodating them.

If approval is granted a residential travel pack is required to be conditioned to be provided to students to highlight and promote sustainable travel means including local transport and sustainable transport to the cities higher education institutions.

ACC - Developer Obligations –

Car club - 1x £400 per 10 student rooms and 1 per resident staff member which will be support the car(s) at the nearest point which is East and West Craibstone Street.

Open Space contribution - £2745 - The contribution will be used towards Bon Accord Terrace Gardens site AS34, Queens & Rubislaw Terrace Gardens site AS32 or the enhancement of other existing open spaces in the vicinity of the development.

ACC - Waste and Recycling –

2 x 1280l general waste container 128CM W X 145CM H X 100CM D (90cm minimum clearance to manoeuvre bins),

2 x 1280l mixed recycling container 123CM W X 133CM H X 72CM D (90cm minimum clearance to manoeuvre bins),

1 x food waste container. 1366mm H x 734mm W x 734mmD (Plus 90cm clearance to remove internal bin from front opening casing)

No garden waste will be provided.

City Centre Community Council –

Object to the application on the following grounds:

Noise generation

- Anticipated nuisance caused by the users of the development with late night noise generation.

Compatibility with surrounding area

- Concern with the compatibility with existing uses (eg the mix of uses found in town centres) ie lack of balanced mix of current uses with 3 recent student accommodation proposals

Overprovision of student accommodation

- would result in an excess concentration of student accommodation in the area which would not be compatible with the family / residential area that is nearby.

REPRESENTATIONS

Two letters of objection were received in relation to noise and anticipated disruption that may result. Stated that there is plenty of student accommodation in the City and no more is required, this would be to the detriment of residents.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

Policy 1 (Tackling the Climate and Nature Crises)

Policy 2 (Climate Mitigation and Adaptation)

Policy 7 (Historic Assets and Places)

Policy 14 (Design, Quality and Place)

Policy 15 (Local Living and 20 Minute Neighbourhoods)
Policy 27 (City, Town, Local and Commercial Centres)

Aberdeen Local Development Plan (2023)

The following policies are relevant –

Policy VC1 (Vibrant City)
Policy VC4 (City Centre and Retail Core)
Policy VC5 (City Centre Living)
Policy H7 (Student Accommodation Developments)
Policy D2 (Amenity)
Policy D6 (Historic Environment)
Policy D1 (Quality Placemaking)
Policy D8 (Window and Doors)
Policy I1 – (Infrastructure Delivery and Planning Obligations)
Policy T2 – (Sustainable Transport)
Policy R5 – (Waste Management Requirements for New Development)
Policy CI1 – (Digital Infrastructure)

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Student Accommodation
- Harmony of Uses
- The Repair and Replacement of Windows and Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland

Other Material Considerations

- City Centre Conservation Area Character Appraisal

EVALUATION

Principle of Change of Use to student accommodation

The proposal is for the change of use of the vacant upper floors of two buildings at 259 to 263 Union Street, to 25 student accommodation units, accessed at ground floor level from a single stairwell entrance from Union Street. The buildings are both category B listed and are located within the City Centre Conservation Area. The site is zoned in the Aberdeen Local Development Plan (ALDP) as

City Centre Retail Core (Policy VC4). This policy states, proposals for the City Centre Retail Core will only be acceptable if the new use contributes to the aims and visions of the City Centre Masterplan and Delivery Programme, the proposed alternative uses make a positive contribution to the vitality and viability of the city centre and the proposed alternative will not undermine the principle of the retail core. Furthermore, it must contribute towards the vision for the city centre as a major regional centre. The CCMP itself supports City Centre living by encouraging residents back into the City Centre.

In terms of the City Centre location, Policy VC1 (Vibrant City) states that proposals for new development, or expansion of existing activities, in the city centre, which support its vibrancy and vitality throughout the day and/or into the evening will be supported in principle. The policy seeks to increase footfall in the City Centre and ensure the vitality and viability of the area is maintained or enhanced. Furthermore, Policy VC5 (City Centre Living) states proposals for new residential development and conversion of upper floors to residential uses in the City Centre will be supported in principle subject to appropriate residential amenity (amenity is covered separately below). National Planning Framework 4 (NPF4), Policy 27 (City, Town, Local and Commercial Centres) states that our city centres should be vibrant, healthy, creative, enterprising, accessible and resilient places for people to live, learn, work, enjoy and visit and that development is directed into the most sustainable locations. NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) states the need to create compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their homes, preferably by walking, wheeling or cycling or using sustainable transport options.

The proposal aims to bring students into the city centre to live, which in turn supports the viability and viability of the area. The reuse of these buildings in such a sustainable location for students will enhance activity and increase footfall within the City Centre throughout the day and night. Reusing the upper, vacant floors of these two units is supported by Policy VC5 (City Centre Living). The students' daily needs can be met given the City Centre location and range of available amenities and services and as such is in accordance with Policy VC4 (City Centre Retail Core). The principle of the proposal is in accordance with Policy VC1 (Vibrant City), Policy VC5 (City Centre Living) of the ALDP, Policy 15 (Local Living and 20 Minute Neighbourhoods) and Policy 27 (City, Town, Local and Commercial Centres) of NPF4 in line with the policy to diversify the city centre through new accommodation opportunities on vacant upper floors.

ALDP 2023, Policy H7 (Student Accommodation Developments) states that proposals for student accommodation will be supported in principle where it is accessible by means of walking, wheeling, cycling and public transport to the university or college facilities, the proposals offer an appropriate level of amenity, refuse/recycling storage space and bike store while having no adverse impact on the amenity of the surrounding area. The Interim Aberdeen Planning Guidance (IAPG) – Student Accommodation further reiterates the points within the policy as well as ensuring that layout, standards and facilities provided are of a high standard and that the development meets an identified need.

No justification has been provided for the scheme in terms of need, this said, it has been advised by the agent that the applicant runs another successful student accommodation complex and there is a need. Though no justification has been submitted, the City Centre is a highly desirable location

for student accommodation, given its sustainable nature, high level of connectivity and range of available amenities in close proximity. Given the city centre location, the mixed use nature of the environment that includes bars, restaurants and a night club to the rear on Langstone Place, the proposed conversion of the vacant upper floors to student accommodation would not result in a detrimental impact on the amenity of surrounding residents or businesses. Furthermore the proposal brings back into use currently vacant floors and as such is supported. There are no concerns with the overprovision of purpose-built student accommodation in the immediate area as none exists. It is considered that the use of these buildings as Student Accommodation would have a negligible impact on surrounding amenity given the existing levels of city centre amenity and mix of surrounding uses.

Amenity

ALDP Policy D2 (Amenity) and Policy H7 (Student Accommodation Developments) states development will be designed to ensure occupiers are afforded adequate levels of amenity in relation to outdoor space, daylight, sunlight, noise, air quality and immediate outlook. Furthermore, it stipulates that refuse, recycling etc are sensitively integrated into the development. In terms of internal space, though no specific standards are set for student accommodation within policy, the proposed units vary in size, but average at around 25m² and can accommodate a double bed, desk, ensuite shower room, kitchenette, storage and a small seating area. Though the units are single aspect, those located on the northern elevation, facing Union Street, have large windows which allow in a suitable amount of light. To the rear and south facing, though not such an attractive outlook at lower level, the light will be better and views from upper units are open and not restricted by tall buildings. One area where the amenity and outlook would be less appealing is the first floor of 259 Union Street where it looks out over a hipped roof and plant to the rear. The scheme layout has given this due consideration to this situation and proposes this area as a social space.

ALDP Policy WB3 (Noise) states that where a development is likely to be exposed to a significant level of noise a Noise Impact Assessment (NIA) will be required. The NIA considers existing nearby noise sources including condenser units, restaurant ventilation, music and customer noise from the ground floor restaurant, patrons leaving the restaurant and traffic noise. The NIA identified a number of areas where an impact would occur on the amenity of the occupants in terms of noise but also detailed a number of mitigation measures that will be implemented to ensure the levels of noise were of an appropriate standard within the proposed accommodation. As such the proposal and its mitigation is satisfactory to Environmental Health and is compliant with Policy WB3 (Noise). Subject to approval a condition would be added that the mitigation measures must be implemented prior to occupation of any units.

The section on minimum standards of internal floor space within the Interim Aberdeen Planning Guidance on Space Standards does not apply to student accommodation, however, though not large in size, the units make good use of the space and add partition walls at appropriate locations to not interfere with windows to strike a balance between respecting the historic character of the buildings and to provide the appropriate facilities required by students. Though it is not possible to provide individual outdoor amenity space due to the City Centre location, Bon Accord Terrace Gardens is located approximately 350m away and Union Terrace Gardens approximately 300m away. In terms of refuse collection, there is no internal space to provide communal bins however

an acceptable on-street solution, to accommodate all of the bin requirements, to the rear on Langstane Place, has been found. Though the bins' location is further than the desirable carry distance of 30m for bags, it was not possible to find a closer solution and has been deemed acceptable in this instance. Based on this the proposal is in accordance with Policy D2 (Amenity) and H7 (Student Accommodation Developments) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4.

Considerations relating to Conservation

The Planning Service must ensure that the historic interest of the listed building is preserved and protected. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that special attention should be given to preserving or enhancing the character or appearance of a conservation area. Policy 7 (Historic Assets and Places) of National Planning Framework 4 (NPF4) states "*Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting.*" Furthermore, Historic Environment Policy for Scotland's (HEPS), Policy HEP2 requires the historic environment to be secured for present and future generations and HEP4 states changes to assets should be managed in a way that protect the historic environment. Policy D6 (Historic Environment) of the ALDP, requires the council to protect, preserve and enhance the historic environment in line with national and local policies and guidance. In terms of the reuse of the building and the conversion into residential this is supported by Policy 7 (Historic Assets and Places) of NPF4 as well as HEPS and Policy D6 (Historic Environment) of ALDP which all encourage the reuse of vacant historic assets. The retention and conversion of these buildings allows their preservation for future generations and as such is in accordance with these policies. Their long-term retention is also important for the character of the Conservation Area. The proposal is for the reuse of two vacant buildings, over 3 floors at upper level on Union Street. The reuse of these units is welcomed to ensure their long-term retention and maintenance. The proposed works have been designed and sited with due consideration for the historic interest of the building, with minimal intervention proposed. Some small flues are proposed on the roofs of both buildings those on 259 are located on the flat roof and on 263 on the rear roof plane. These are appropriately sited and will not be visible from the street. Based on the above, the principle of converting these redundant offices into student accommodation flats is acceptable subject to the other relevant policies. This is particularly relevant given the buildings are currently vacant and are category B listed.

In terms of window alterations, Policy D8 (Window and Doors) of ALDP, Interim Aberdeen Planning Guidance on Repair and Replacement of Windows and Doors and Managing Change in the Historic Environment – Windows, all state, historic windows will be retained, repaired and restored and replacement will only be supported where it has been demonstrated that the windows are beyond practicable repair. It should also be noted that the replacement of unsympathetic windows and doors will be supported. The proposal shows the replacement of only one window in the properties, this is located to the rear and is not original. An additional three windows will have their upper glazing panes removed and replaced; these have been altered with the addition of fans. As such the alteration to three, and replacement of one, of the windows is deemed appropriate and will not impact on the character of the Listed Buildings or the City Centre Conservation Area and as such is in accordance with Policy D8 (Window and Doors), Interim Aberdeen Planning Guidance on Repair

and Replacement of Windows and Doors of the ALDP and Managing Change in the Historic Environment – Windows.

Other policy considerations

ALDP 2023 Policy CI1 Digital Technology states all new residential development where five or more units are proposed will be expected to have access to high speed broadband. Given the City Centre location and upon checking the OFCOM website there is availability of Ultrafast broadband at this address for connection into as such, the proposal is in accordance with ALDP Policy CI1 (Digital Infrastructure).

Policy 1 (Tackling the climate and nature crisis) of NPF4 aims to encourage, promote and facilitate development that addresses the global climate and nature crisis, and Policy 2 (Climate mitigation and adaptation) encourages developments to minimise emissions and adapted to the current and future impacts of climate change. Reusing existing buildings stock and encouraging people to move back into the City Centre and thus reduce the need to travel by car all contribute to the reduction in emissions and support adaptation to climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development. Given the nature of this proposal there is limited scope to contribute to enhanced biodiversity measures. As such the proposal complies with Policy 1 (Tackling the climate and nature crisis), Policy 2 (Climate mitigation and adaptation) and Policy 3 (Biodiversity) of NPF4.

Policy R5 (Waste Management Requirements for New Development) requires that all developments have communal facilities for the separate storage and collection of general waste, recyclable and compostable materials. A waste disposal solution has been found on the lane to the rear. As such this proposal is in accordance with this policy

Matters arising from the representation

The concerns raised within the representations have been addressed in the above sections.

RECOMMENDATION

Approve Conditionally with Legal Agreement

REASON FOR RECOMMENDATION

The proposed student accommodation will bring residents into the city centre to live, which in turn supports the viability and vitality of the area, will enhance activity and increase footfall within the City Centre throughout the day and night. Furthermore the proposal does not detrimentally impact on the amenity of the area and does not conflict with the existing uses within the City Centre, as such complies with Policy VC5 (City Centre Living), VC1 (Vibrant City), Policy VC4 (City Centre Retail Core) and Policy H7 (Student Accommodation Developments) along with Policy 15 (Local Living and 20 Minute Neighbourhoods) and Policy 27 (City, Town, Local and Commercial Centres) of NPF4.

The student accommodation units will be afforded an appropriate level of amenity including, outlook, light, floor space, break out space, cycle storage, waste provision and the opportunity to connect to high speed broadband, their daily needs being met in the immediate vicinity and the sustainable location in terms of walking, wheeling, cycling and public transport opportunities and as such is in accordance with Policy R5 – (Waste Management Requirements for New Development), Policy D2 (Amenity) and Policy C11 – (Digital Infrastructure), Policy H7 (Student Accommodation Developments), Policy I1 – (Infrastructure Delivery and Planning Obligations) and Policy T2 – (Sustainable Transport) and Policy 1 (Tackling the Climate and Nature Crises) of NPF4.

Reusing the upper, vacant floors of two prominent listed buildings and the window and flue alterations protect the special character of the historic environment and ensure its long term retention and as such is supported and in accordance with Policy D6 (Historic Environment) and Policy D8 (Window and Doors) of the ALDP, Policy 7 (Historic Assets and Places) and Policy 14 (Design, Quality and Place) of NPF4, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Historic Environment Policy for Scotland.

The location allows for the use of sustainable transport as well as reuse of vacant buildings and as such complies with Policy 1 (Tackling the climate and nature crisis) and Policy 2 (Climate mitigation and adaptation) of NPF4. Given the nature of this proposal there is limited scope to contribute to enhanced biodiversity measures. As such the proposal does not conflict with Policy 3 (Biodiversity) of NPF4.

CONDITIONS

(01) Duration of Permission

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

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

(02) Management Plan

That no part of the development hereby approved shall be occupied unless a management plan has been submitted and approved in writing by the planning authority and shall be fully implemented thereafter.

Reason: In the interests of ensuring the provision of adequate amenity for all residents

(03) Noise Mitigation Measures

That the development hereby approved shall not be occupied unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (The Airshed, AS 0820 06, dated 22 May 2023) and evidence

of this installation has been provided to, and agreed in writing by, the Planning Authority. For avoidance of doubt this should include the following:

a) provision of MVHR to the units on the Union Street elevation as a minimum and application of mitigation achieving the required sound reduction detailed within the section 'Proposed Mitigation for Road traffic Noise' and table 5 of the report namely; windows 44dB Rwi and NO trickle ventilation.

OR in the absence of MVHR system, the application of mitigation achieving the required sound reduction detailed within the section 'Proposed Mitigation for Road traffic Noise' and table 5 of the report namely; Trickle vents 45dB Dn,e. (in the open position) and windows 47dB Rwi.

NB- where alternative mechanical ventilation is to be installed the noise level emissions from such equipment should comply with NR25 Night-time and NR 30 daytime within the proposed units.

b) Application of mitigation detailed within the section 'Proposed Mitigation Measures for Fixed Plant', table 6.2 and Appendix 6 of the report, namely, the scheme of window and ventilation measures to the various rooms on the rear elevation aligning with corresponding acoustic performance specified.

c) Application of mitigation detailed within the section 'Proposed Mitigation Measures for Airborne Sound (music)' and Appendix 1 of the report, namely, upgraded floor between the restaurant and the apartments to increase the mass of the floor to >180kg/m³ using the combination of materials and techniques specified therein.

Reason: to protect residents from unacceptable levels of noise.

(04) Bin Store

That the development hereby approved student accommodation shall not be occupied unless the bin store shown on approved drawings 4078_108b (Proposed Bin Store Details), or similar as may be agreed in writing with the Planning Authority, has been formed in accordance with the approved details and the necessary bins provided within it.

Reason: To ensure a satisfactory means for the storage and collection of waste.

(05) Cycle store

That the development hereby approved shall not be occupied unless the cycle store shown on approved drawing 3954 100 B (Proposed Basement and Ground Floor Plans) or similar as may be agreed in writing with the Planning Authority, has been formed in accordance with the approved details .

Reason: To encourage the use of sustainable and active modes of travel

(06) Student accommodation use only

That the development hereby approved shall be occupied by students only. In this case students are defined as those persons attending higher education institutions within the City of Aberdeen.

Reason: The development is not suitable in planning terms for use as permanent, mainstream residential accommodation due to the inadequate level of amenity that would be afforded to residents as a result of the small floor areas of units which are acceptable, on balance, as short-term accommodation. Furthermore, the developer obligations and affordable housing requirements for the development have been calculated on the basis of students occupying the development and would need reassessed in the event of any future occupation of the development persons not in higher education.

(07) Communal Facilities

That none of the units hereby approved shall be occupied unless the common room which forms part of the approved development have been completed and are available for use by all residents.

Reason: In the interests of ensuring the provision of adequate amenity for all residents

ADVISORY NOTES FOR APPLICANT

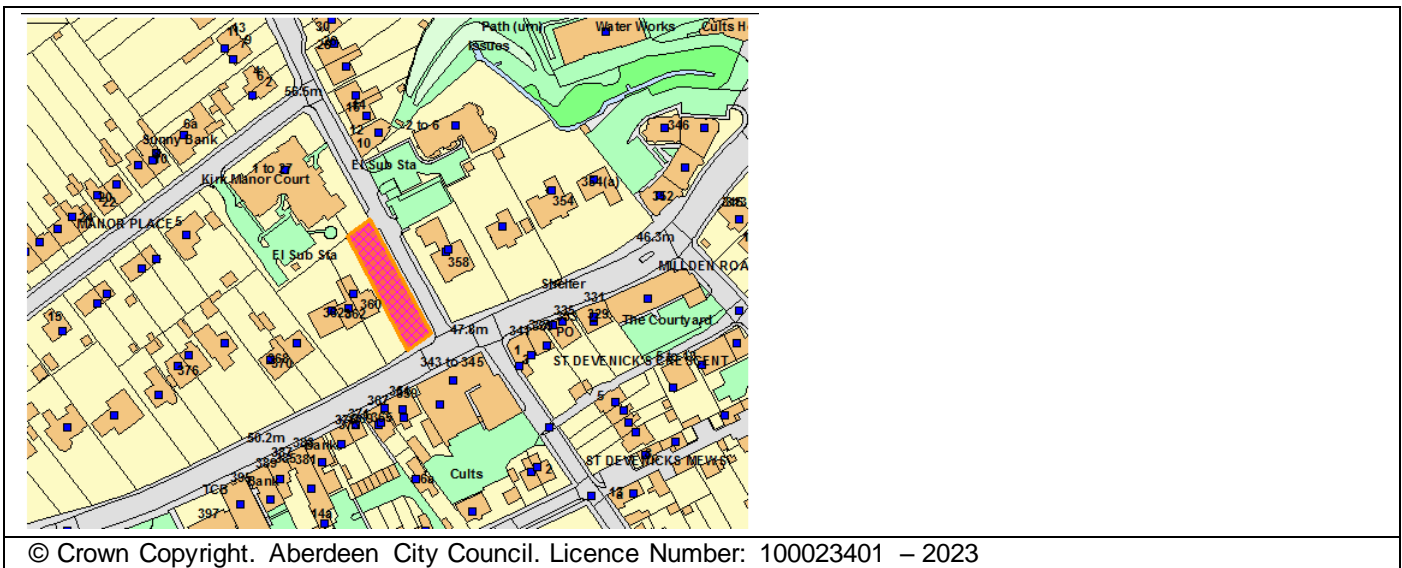
Construction timings

Operations creating noise which is audible at sensitive receptors should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 2 November 2023</p>
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Site Address:	Land adjacent to 360 North Deeside Road, Cults, Aberdeen, AB15 9SS
Application Description:	Erection of 2 storey detached dwelling house with garage and associated works
Application Ref:	230251/DPP
Application Type	Detailed Planning Permission
Application Date:	2 March 2023
Applicant:	Ardna LTD.
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Dineke Brasier



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a generally rectangular shaped area extending to c.775m² located to the north west of the A93 North Deeside Road/Kirk Brae junction in the established residential area of Cults. The site was part of the residential curtilage of the existing dwelling at 360 North Deeside, but was separated as an individual development plot following approval of planning permission 210220/DPP for the feu split and erection of a detached dwelling, in May 2021. This

permission has been implemented in so far as that a fence has been erected separating the two plots.

The site is prominent being elevated from North Deeside Road to the south of the site, and from Kirk Brae which forms the eastern boundary to the site. It is bounded by mature shrubs and planting behind a granite wall to the south along North Deeside Road; a granite wall to the east; timber fencing to the west; and a blockwork wall with timber fence behind to the north. There is an existing vehicular access located to the rear of the site from Kirk Brae which has been upgraded following the previous planning permission. There is a further pedestrian entrance into the site roughly midway along the eastern boundary from Kirk Brae.

Relevant Planning History

- 210220/DPP – Splitting of feu and erection of 2 storey dwelling house including access and car parking with associated works – Approved on 6th May 2021.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a two-storey detached dwelling with detached single garage and garden room, and associated works. The property would have a south facing principal elevation, continuing the established building line with the existing properties at 358 and 360 North Deeside Road. The dwelling would have a general rectangular plan extending to a footprint of c.125m². It would be of a contemporary design and would incorporate a part flat and part pitched roof, with a variety of cladding materials, including stone on the ground floor and timber effect linings on the upper floors, and dark grey standing seam metal cladding for the pitched roof and projecting window and gable surrounds. The south elevation would include a balcony with glass balustrade, and to the rear of the plot would be a detached single garage with separate garden room. The garage building would have a mono-pitched roof making use of existing rise in site levels and would be finished in stone cladding with a dark grey up and over metal door. The garage would open out onto a driveway which would provide access to both the proposed new dwelling and the existing property of 360 North Deeside Road.

Amendments

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

Significant changes to design, including reduction in scale and massing.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RQW15WBZH5700>

- Design and Access Statement submitted with original drawings, by S24 Architects.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because six letters of objection have been received and the application is recommended for approval.

CONSULTATIONS

ACC - Environmental Health – No objection subject to the incorporation of sufficient sound insulation measures to ensure internal noise levels do not exceed the relevant WHO guideline values for community noise for dwellings indoors and inside bedrooms (i.e. L_{aeq} of 35dB during the day and 30dB at night respectively).

ACC - Roads Development Management Team – No objection. The proposed dwelling would have five bedrooms and three parking spaces would be required. These are provided. The garage and further parking spaces would not appear to impede vehicular access to the curtilage of 360 North Deeside Road.

ACC - Waste And Recycling – General comments in relation to waste collection and bin storage.

Scottish Water – General comments in relation to capacity of Invercarnie Water Treatment Works and Nigg PFI Water Treatment Works.

Cults, Bieldside and Milltimber Community Council – No objection to the proposed development.

REPRESENTATIONS

Given the significant, material changes to the design, scale and massing of the proposed dwelling, it was considered necessary to renotify neighbouring properties and to allow for a second period of representations.

The first neighbour notification period attracted a total of four written representations, all objecting to the scheme. The second period attracted a total of five written representations, all objecting to the proposal, with two additional objectors, thus raising the number of individual objectors to a total of six.

The following matters were raised during the first neighbour notification period:

- Modern design and building materials are out of keeping in the surrounding area which is characterised by granite buildings;
- Original permission was for a traditional designed dwelling;
- Scale, massing and footprint of proposed dwelling is significantly larger than that previously approved and too large for the site. The building line to the north will extend beyond that of the neighbouring dwelling to the west;
- Gap from the east elevation of the dwelling to Kirk Brae will only be 1m resulting in significant overshadowing of the bottom end of Kirk Brae;
- Has consideration been given to disruption at the busy junction of North Deeside Road/ Kirk Brae? Disturbance to the traffic lights would cause problems for both through traffic and pedestrians.

The following matters were raised during the second notification period:

- Adverse impact on residential amenity of 360 North Deeside Road due to increased footprint compared to that previously approved and overshadowing;
- Parking and garage now extend all the way to the shared access with 360 North Deeside Road causing likely interference to their vehicular access;
- Loss of visual amenity at 360 North Deeside Road given the scale and dominance of the proposed development;

- Design is out of scale with size of plot (overdevelopment);
- Materials are out of character in the surrounding area, leading to a negative visual impact;
- Design is out of character with surroundings and existing developments, particularly given the site's prominence on both main and adjoining roads, and would be overbearing in the centre of Cults;

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan (2023)

The following policies are relevant –

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy NE5 (Trees and Woodlands)
- Policy CI1 (Digital Infrastructure)
- Policy WB3 (Noise)

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Amenity;
- Materials: External Building Materials and Their Use in Aberdeen;
- Subdivision and Redevelopment of Residential Curtilages; and
- Transport and Accessibility.

EVALUATION

Principle of Development

The site is located in the centre of Cults, in an established residential area and policy H1 (Residential Areas) of the 2023 Aberdeen Local Development Plan (ALDP) applies. This policy sets out that residential development is acceptable in principle provided that it:

- Does not constitute over-development;
- Does not have an adverse impact on the residential amenity and the character and appearance of an area; and
- Does not result in the loss of open space.

The development site was previously part of the residential curtilage of the neighbouring property at 360 North Deeside Road for which planning permission was granted for a feu split securing appropriate amenity garden ground for the then host property at 360 North Deeside Road and for the erection of the approved dwelling. The proposal would not result in the loss of any valuable or valued public open space. All other criteria will be discussed in more detail below.

In terms of National Planning Framework 4 (NPF4), Policy 16 (Quality Homes) sets out in part (f) that development proposals for new homes on land not allocated for housing in the Local Development Plan will only be supported where:

1. The proposal is supported by an agreed timescale for build-out;
2. The proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including local living and 20-minute neighbourhoods; and
3. The proposal is for smaller scale opportunities within an existing settlement boundary.

NPF4 Policy 15 (Local Living and 20-Minute Neighbourhoods) seeks to ensure that development encourages the creation of connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or other sustainable transport options.

The proposal is not supported by an agreed timescale for build-out, but given it is seeking permission for a single dwelling, and any permission would be subject to a general three-year limit on implementation of any approval, this is considered acceptable in this case. The site is located in the centre of Cults and thus in close proximity to all shops and services covering the immediate area, including the local primary and secondary school. In addition, bus routes run along the A93 North Deeside Road towards the city centre to the east and Peterculter and Deeside to the west. As such, the proposal would be well-placed to connect into an already well-connected and compact community and would result in a development in a sustainable location, meeting the second criterion of Policy 16 and the aim and objectives of Policy 15. Finally, as set out above, the proposal would represent a small scale opportunity within an existing settlement boundary and would thus meet this final criterion of Policy 16 of NPF4.

Scale, Massing and Design

Policy 14 (Design, Quality and Place) of NPF4 sets out that development proposals will be designed to improve the quality of an area, whether in urban or rural locations and regardless of scale, and development proposals that are consistent with the six qualities of successful places (healthy; pleasant; connected; distinctive; sustainable; and adaptable) will be supported.

Policy D1 (Quality Placemaking) of 2023 ALDP sets out that all development must follow a thorough process of site context appraisal to arrive at an appropriate proposal recognising that the development context will differ from site to site. All good design and detail adds to the attractiveness of the building and natural environment and careful consideration is essential to ensure that development harmoniously contributes to its site and wider context. Policy D1 also reiterates that all development should be considered against the six essential qualities (distinctive; welcoming; safe and pleasant; easy to move around; adaptable; and resource efficient).

The proposed house would be a distinctive dwelling of contemporary design with a footprint of c.125m² over each of the two storeys resulting in a total floorspace of c.250m². The site would further accommodate a single garage and garden room with a footprint of c.47m². The site itself extends to c.775m², and the plot ratio would thus be 22.2%. Interim Aberdeen Planning Guidance: 'Subdivision and Redevelopment of Residential Curtilages' sets out that the density of the surrounding area should be reflected in development proposals, and that, as a general guide, no more than 33% of a plot should be developed. The dwelling previously approved under 210220/DPP had a footprint of c.115m² and the proposed site layout did not include a further garage/ garden room. As such, the plot ratio was lower at c.15%. However, it is considered that the footprint of the proposed dwelling itself is not significantly larger than that previously approved with the increase in plot ratio mainly due to the introduction of a further outbuilding. It is further noted that the footprint of the existing property at 360 North Deeside Road extends to c.120m², resulting in a plot ratio of c.24%.

The proposed house and the existing property at 360 North Deeside Road would both be located c.1.3m off the mutual boundary, giving a gable to gable separation distance of c.2.6m. A gap of c.3.5m would be retained to the east boundary with Kirk Brae, which would provide sufficient separation between the dwelling with garden ground edging Kirk Brae, maintaining the separation between the new dwelling and this road as approved as part of the previous approval 210220/DPP. Also in response to the site context, the front elevation would follow the general building line of the aforementioned neighbouring properties to North Deeside Road. This would allow for a long front garden, reflecting the general pattern of development in the immediate surrounding area with properties facing towards, but set back from North Deeside Road allowing for established front gardens. As such, and in that context, the proposed footprint, siting and development ratio on the plot is in line with the established character of the surrounding area and not considered overdevelopment of the site in compliance with policy H1 of the 2023 ALDP.

In terms of massing, the proposed new dwelling would have a part flat and part pitched roof. The eaves height of the pitched roof section and height of the flat roof would be set at the same height as that of the neighbouring dwelling at 360 North Deeside Road. Similarly, the ridge height of the pitched roof section, and ultimate height of the dwelling, would match that of this neighbouring dwelling. Both the south elevation and north elevation, would further contain a projecting gable feature with a balcony to the south elevation. This projecting gable to the south elevation would be set at a similar building line as the bay window in the neighbouring property at 360 North Deeside Road, not in advance of it. The balcony is fronted by glass, which lightens the frame and this projecting feature.

The pitched roof section, and thus the highest part, of the building would be on the western side of the plot, whilst the eastern half of the building, facing Kirk Brae, would have a flat roof and would thus have a lower overall height. There is a significant change in levels across the site, with levels sloping up c.4m from south to north. The building itself would be located centrally in the plot at a

similar level as existing properties at 360 and 362 North Deeside Road. This would be c2.5-3m higher than the lowest point in the front garden, with the North Deeside Road/ Kirk Brae junction itself a further metre lower. As a consequence, when viewed from the North Deeside Road/Kirk Brae junction, the building would be elevated and would be particularly prominent in views from the east. However, due to its specific design, where the lowest part of the proposed dwelling would sit nearest Kirk Brae, the massing of the property would be suitably modelled to its site context.

The property would be dual fronted, with the main entrance on the east (side) elevation addressing Kirk Brae whilst sufficient care is taken to also address North Deeside Road with a formal south elevation, continuing the main established built characteristics of the adjacent building and building lines.

Proposed materials include a stone cladding finish to the ground floor, timber effect linings to the upper floors to the north, south and east elevation and standing seam metal cladding to the pitched roof section and upper floor of the west elevation. The design of the dwelling is distinctly contemporary, and as such more modern materials, such as cladding and metal finishes, and design features such as the distinctive entrance door feature to the east elevation, projecting gable and window frames, and large fully glazed windows and doors, have all been derived from the main characteristics of the wider site context and are considered acceptable to providing a design that will make a positive addition to the site and area. It is noted that the ground floor is proposed to be finished in a stone cladding material. This would not be granite, but a stone of a softer colour and texture, with details proposed to be secured through a suitably worded condition. The site is located in the historic centre of Cults, and this part of North Deeside Road is lined with predominantly granite buildings, some of which constructed in the late 19th century, and the relatively modern flatted development at 358 North Deeside Road on the other side of Kirk Brae. However, there is some variation in the type, colour and texture of granite. More modern developments, including at Kirk Manor Court to the north of the application site and flatted properties at 2-6 Kirk Brae, to the east, are finished in cream and brown render respectively. As such, despite the apparent uniformity of materials in this area of Cults, upon closer inspection there is a level of variety in materials, texture and colours. The proposed would introduce new materials to this existing palette, but suitably reference the grey of the granite in the standing seam metal cladding and framing, which is softened by the proposed timber effect linings and stone which would pick up on the softer tones of the render buildings on Kirk Brae. On that basis, and in combination with the proposed contemporary design, the proposed materials are considered acceptable and suitable for the proposed design subject to a suitably worded condition seeking submission of samples of materials prior to development.

As such, overall, it is considered that the proposal would not represent overdevelopment of the site; is of an acceptable scale and massing, and its design and proposed materials are suitably informed by the surrounding site context. The proposal is thus considered to suitably comply with Policy 14 (Design, Quality and Place) of NPF4 and D1 (Quality Placemaking) of 2023 ALDP.

Residential amenity

Neighbouring properties

Policy D2 (Amenity) of 2023 ALDP sets out that all buildings must be fit for purpose and meet the needs of users and occupiers, with consideration given to neighbouring properties to ensure there are no unreasonable impacts on daylight, sunlight, noise, air quality and outlook. No development should result in an unacceptable impact on existing residential amenity of neighbouring properties.

In this case, the nearest neighbouring property is 360 North Deeside Road to the west of the application site. This is a two storey semi-detached dwelling with long single storey rear projection. Due to the orientation and layout of both dwellings, the main impact in relation to sun and daylight will be on side facing windows located in this existing single storey projection to the rear of 360 North

Deeside Road, which is set at a distance of c.6m from the proposed two storey west elevation. This single storey projection includes a large window, and set of fully glazed doors and full height windows, and additional roof lights. As the windows and doors face directly towards the application site, Interim Planning Guidance 'Amenity' sets out that a line should be drawn from the centre point of the affected window towards the proposed building at a 25° angle. If the proposed building would be entirely located underneath this line, then there would be no demonstrable impact on daylight. In this case, the set of windows and doors nearest the north elevation of the main body of the existing building would be impacted by the proposed new dwelling, resulting in a loss of sun and daylight, whereas the large window set further in this side elevation would not be affected by the proposed development. This rear projection has a total length of c.9m, and comprises a single kitchen/dining space. As such, even though light levels are affected to part of this projection, this would be suitably mitigated through the large window in the rear part of the projection and existing roof lights. As such, it is considered that, although there is an impact on light levels to part of this projection, the overall space would not be sufficiently affected to warrant a reason for refusal based on an adverse impact on residential amenity of 360 North Deeside Road.

In addition to the single storey rear projection, the main body of the neighbouring dwelling includes a ground floor window in the north elevation. As per guidance set out in the Interim Planning Guidance 'Amenity', a line drawn at a 45° angle from the centre point of this window would not go through the proposed building, and as such this window would not be adversely affected by the proposed development.

The proposed dwelling would not contain any west facing windows that would overlook the rear garden of 360 North Deeside Road. In addition, the proposed frame around the first floor windows would further reduce any perception of additional overlooking of the rear garden of the neighbouring property and as such, there would be no significant adverse impact on their residential amenity due to loss of privacy/increased overlooking.

The flats on the other side of Kirk Brae at 358 North Deeside Road, would be set at a distance exceeding 18m, which is a distance in excess of the general guidance for the distance between the windows of habitable rooms in opposing properties in a suburban location as set out in Interim Planning Guidance 'Amenity'.

Future residents

The proposed dwelling would provide a very good level of accommodation given the c.250m² floorspace available, and would be served by external garden areas to both the front and rear. The rear garden area would be suitably private. In addition, due to the slope of the site, best use is made of opportunities to optimise views, and sunlight and daylight receipt into the property through the integration of large ground floor south facing windows and first floor balcony. As such, the proposal is considered to comply with Policy D2 (Amenity).

Noise

Policy 23 (Health and Safety) of NPF4 sets out in part (e) that a Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. Policy WB3 (Noise) of 2023 ALDP similarly requests submission of a Noise Impact Assessment where a significant exposure to noise is expected. The site is located in the centre of Cults, immediately adjacent to the A93, which is a main route between the city centre to the east and Deeside to the west and the main transportation corridor in the area. To ensure that the proposed new dwelling would achieve a suitable residential living environment and is not adversely affected by road noise, officers in Environmental Health request the submission of details setting out that sufficient sound insulation measures are incorporated in the design to ensure that internal noise levels do not exceed the relevant WHO guideline values for community noise for dwellings indoors and for inside bedrooms. However, it is considered that a good quality residential environment can

be created and there is no requirement for a Noise Impact Assessment. This can be achieved through the use of a suitably worded condition.

Parking and access

Policy 13 (Sustainable Transport) of NPF4 aims to encourage, promote and facilitate developments that take advantage of existing networks or prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy T2 (Sustainable Transport) of 2023 ALDP sets out that new developments must be accessible by a range of transport modes in accordance with NPF4.

The application site is located in the centre of Cults in very close proximity to local shops, amenities and services. In addition, North Deeside Road is a main public transport route from the city centre out towards Peterculter and Deeside. North Deeside Road has on-road cycle lanes, and the site is relatively close (c.300m) from the nearest access onto the Deeside Way walking and cycling route. As such, the application site is located in a very sustainable location and would be able to directly take advantage of the existing neighbourhood amenities that are in close proximity to the site by walking or wheeling.

The proposed site layout would retain the existing vehicular access, which has been upgraded by the previous applicant since the approval of 210220/DPP. The proposed site layout includes a single garage and two parking spaces. The dwelling would have a total of five bedrooms and Interim Aberdeen Planning Guidance 'Transport and Accessibility' sets out that a maximum of three parking spaces would be required in this location for properties with four bedrooms or more, and this in-curtilage parking requirement is met within the proposal. The drawings do not show any EV charging infrastructure. However, given this is a proposal for a single residential dwelling, and that sufficient space is available within both the garage and to the side of the additional two parking spaces for this infrastructure, it is considered that this requirement can be met at Building Warrant Stage as part of the recently altered Building Standards Regulations.

The proposed layout of this garage and parking spaces would ensure that the vehicular access itself would not be required for parking given there is an existing vehicular right of way towards the rear garden of 360 North Deeside Road. The width of this access into the curtilage of the neighbouring property would be c.5.2m, and would ensure sufficient space to park at least two cars within their own rear garden area.

Taking account of the above, it is considered that the proposal would suitably meet the criteria of Policy 13 (Sustainable Transport) of NPF4 and policies T2 (Sustainable Transport) and T3 (Parking) of 2023 ALDP and relevant sections of Aberdeen Planning Guidance on Transport and Accessibility.

Other matters

Waste

Policy R5 (Waste Management Requirements for New Development) of 2023 ALDP sets out that all new development should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. No dedicated bin store is shown on the proposed site plan. However, it is considered that there is sufficient space within the plot to store all required waste containers and that these can be presented kerbside on Kirk Brae. As such, it is considered that the proposal suitably complies with this policy.

Low and Zero Carbon Buildings

Policy R6 (Low and Zero Carbon Buildings and Water Efficiency) of 2023 ALDP sets out that all new

buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology. In addition, all new buildings are required to use water saving technologies and techniques. The submitted Design and Access Statement sets out that heating will be provided via an air source heat pump with additional photovoltaic arrays on the flat roof. The design of the property is designed to maximise natural daylight throughout the property, and a mechanical heat ventilation recovery system will be installed to provide a consistent air quality to the building whilst reducing running costs through air leakage. No details have been provided on water saving technologies and techniques. However, it is considered that this would be acceptable with details adequately dealt with through the Building Warrant process.

Trees

The site contains a number of smaller trees along the south boundary with North Deeside Road as part of the original established garden group before the feu split was approved. No tree survey or tree protection plan has been submitted. However, it is considered that, due to the distance between the trees and the position of the dwelling within the plot and the size of the existing trees, the proposal and construction works do not encroach on the root protection area of these existing small trees. However, it is considered necessary to add a condition requesting submission of a tree protection plan prior to development.

Tackling the Climate and Nature Crises and Biodiversity

Consideration must be given to Policy 1 (Tackling the Climate and Nature Crises); Policy 2 (Climate Mitigation and Adaptation); and Policy 3 (Biodiversity) of NPF4. Policy 1 gives significant weight to the global climate and nature crises in order to ensure that it is recognised as a priority in all plans and decisions; Policy 2 states that emissions from new development are minimised as far as possible; and Policy 3 sets out that all development proposals will contribute to enhancement of biodiversity.

In this case, the application is for the construction of a single detached dwelling in an established residential area. The site was previously part of the residential curtilage of 360 North Deeside Road, and contains an existing area of hardstanding centrally within the application site. Given the relatively small scale of the proposal and the sustainable location of the application site, in addition to the retention of existing vegetation to the front of the plot and extent of landscaped garden to the front and rear providing a route through for local wildlife, it is considered that the proposal would have no material impact on the global climate and nature crises, biodiversity or climate mitigation with the property designed to incorporate renewable energy generating technology.

Matters raised in letters of objection

- All matters raised in relation to design, scale, massing, materials and impact on residential and visual amenity have been addressed in the evaluation above;
- The proposed dwelling would use the existing access from Kirk Brae, and should therefore not have any impact on the existing North Deeside Road/ Kirk Brae junction and associated traffic lights;
- The proposed site layout would allow for vehicular access into the rear garden to existing dwelling at 360 North Deeside Road.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed new dwelling would be located within an existing residential settlement and would be in a sustainable location in close proximity to shops and services, thereby meeting the criteria as set out in Policy 13 (Sustainable Transport); Policy 15 (Local Living and 20-Minute Neighbourhoods); and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4); and policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023 (ALDP).

The proposal would not constitute overdevelopment, with the proposed level of development accepted when taking consideration of the surrounding site context. Its contemporary design and proposed materials would represent a clear contrast with the more traditional development either side of North Deeside road, and the dwelling would be prominent in longer views, especially from the North Deeside Road/Kirk Brae junction, due to its position on a corner plot and change in levels across the site. However, the proposed scale and massing of the new dwelling would be in line with the adjoining neighbouring dwelling at 360 North Deeside Road, and the quality of design acceptable to represent this variation within the streetscape and would have a positive impact on the visual amenity of the surrounding area. Residential amenity for future residents would be very good, whilst the residential amenity of neighbouring properties, in particular 360 North Deeside Road, would not be significantly adversely affected. The proposal is thus considered to comply with Policy 14 (Quality Design) of NPF4 and policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the ALDP.

Sufficient parking and bin storage would be provided within the site without obstructing existing vehicular access into the neighbouring property at 360 North Deeside; there would be no adverse impact on existing trees to the front of the curtilage; and sufficient consideration has been given to the incorporation of low and zero carbon generating technologies. As such, the proposal would comply with policies T3 (Parking); R5 (Waste Management Requirement for New Development); R6 (Low and Zero Carbon Buildings, and Water Efficiency) and NE5 (Trees and Woodlands) of the ALDP.

Finally, due to the small scale of the proposed development, it would have no material impact on the global climate and nature crises, and sufficient consideration has been given to climate mitigation and biodiversity, all in compliance with Policy 1 (Tackling the Climate and Nature Crises); Policy 2 (Climate Mitigation and Adaptation) and Policy 3 (Biodiversity) of NPF4.

There are no other material considerations that would warrant refusal of the application.

CONDITIONS

(01) DURATION OF PERMISSION

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

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

(02) SAMPLE OF MATERIALS

No development shall commence until a scheme/samples detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed. For the avoidance of doubt, a sample panel of no less than 1.8m² with external finishing materials showing their proportionate relationship shall be erected on the

application site.

Reason: In the interests of visual amenity.

(03) BOUNDARY TREATMENT

Prior to the commencement of development, a detailed scheme of site and plot boundary enclosures shall be submitted to and approved in writing by the Planning Authority, and thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure sufficient privacy can be retained between the dwellings at 360 North Deeside Road and that hereby approved.

(04) NOISE SCREENING ASSESSMENT

Before the dwelling hereby approved is occupied, an assessment of the noise levels caused by road traffic using the A93 and Kirk Brae likely within the building shall be submitted to and approved in writing by the Planning Authority. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full.

Reason: In the interest of residential amenity.

(05) LOW AND ZERO CARBON BUILDING

No development associated with the residential dwelling hereby approved shall take place unless a scheme detailing compliance with the Aberdeen Planning Guidance: Resources for New Development has been submitted to and approved in writing by the Planning Authority. Thereafter the dwelling hereby approved shall not be occupied unless any recommended measures specified within that scheme for that unit for the reduction of carbon emissions have been implemented in full.

Reason: To ensure that the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Aberdeen Planning Guidance: Resources for New Development.

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	2 November 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Committee Annual Effectiveness Report
REPORT NUMBER	COM/23/340
DIRECTOR	Gale Beattie
CHIEF OFFICER	Vikki Cuthbert
REPORT AUTHOR	Lynsey McBain
TERMS OF REFERENCE	GD 8.5

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to present the annual report of the Planning Development Management Committee to enable Members to provide comment on the data contained within.

2. RECOMMENDATIONS

That Committee:-

- 2.1 provide comments and observations on the data contained within the annual report; and
- 2.2 note the annual report of the Planning Development Management Committee.

3. CURRENT SITUATION

Annual Reports on Committee Terms of Reference

- 3.1 The annual committee effectiveness reports were introduced in 2018/19 following a recommendation from the Chartered Institute of Public Finance and Accountancy (CIPFA) as part of the Council's work towards securing that organisation's accreditation in governance excellence. The Terms of Reference set out that each Committee will review its own effectiveness against its Terms of Reference through the mechanism of the annual report.
- 3.2 The annual effectiveness reports were mentioned by CIPFA in their report which awarded the Mark of Excellence in Governance accreditation to Aberdeen City Council. CIPFA highlighted the implementation of the annual effectiveness reports as a matter of good practice in governance and were encouraged that, during consideration of the reports at Committee and Council, Members had made suggestions for improvements to the reports in future years.
- 3.3 Data from the annual effectiveness reports is used to inform the review of the Scheme of Governance, ensuring that Committee Terms of Reference are

correctly aligned, and identifying any areas of the Terms of Reference which had not been used throughout the year in order that they can be reviewed and revised if necessary. The information from the effectiveness reports has also been used in the past to feed into the Annual Governance Statement.

- 3.4 The reports provide a mechanism for each committee to annually review its effectiveness, including data on attendance, any late reports, referrals to Council and the number of times officer recommendations were amended, and to ensure that it is following its Terms of Reference.
- 3.5 Similarly, recording the sections or stretch outcomes of the Local Outcome Improvement Plan (LOIP) which apply to each report allows Members to be aware of the direct impact of any proposals before them on the LOIP, and gives a general overview at the end of each year of the number of reports which have had an impact on the LOIP stretch outcomes.
- 3.6 The annual effectiveness reports were delayed to allow the newly established Committees to have a full year of data to report.
- 3.7 Any comments from Members on areas of data that should be considered would be welcomed to ensure that Members are presented with meaningful data.
- 3.8 The annual report for 2022/2023 is therefore appended for the Committee's consideration. Following consideration by the Committee, the report will be submitted to Full Council in December for noting.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications from the recommendations of this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no environmental implications arising from the recommendations of this report.

7. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation	*Does Target Risk Level Match Appetite Set?
Strategic Risk	N/A			Yes

Compliance	Failure to submit this report would mean that the Council would not be complying with its instruction that all committees and Full Council receive such a report each year.	L	Council is given the opportunity to consider the reports and provide feedback on any amendments Members would wish to see in the content so that this can be taken on board for next year's Scheme of Governance review.	Yes
Operational	N/A			Yes
Financial	N/A			Yes
Reputational	N/A			Yes
Environment / Climate	N/A			Yes

8. OUTCOMES

There are no links to the Council Delivery Plan, however the committee effectiveness annual reports link to the Scheme of Governance, by ensuring that each committee is fulfilling its Terms of Reference.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	It is confirmed by Interim Chief Officer – Governance (Assurance), Vikki Cuthbert, that no impact assessment is required.
Data Protection Impact Assessment	Not required

10. BACKGROUND PAPERS

None.

11. APPENDICES

- 10.1 Planning Development Management Committee Annual Effectiveness Report 14 October 2022 to 14 October 2023.

11. REPORT AUTHOR CONTACT DETAILS

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Planning Development Management Committee Annual Effectiveness Report 2022/2023



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1. Introduction from Convener

- 1.1 I am pleased to present the fourth annual effectiveness report for the Planning Development Management Committee (PDMC). The annual effectiveness reports have been in place since 2017, following a recommendation made by CIPFA in their review of the Council's governance arrangements, namely that Committees review the extent to which they had operated within their Terms of Reference, through an annual report. The annual effectiveness report represents good practice in governance and also informs the annual review of the Council's Scheme of Governance, enabling officers to identify if any changes are required, for example, to the Committee Terms of Reference.
- 1.2 The Council is committed to ensuring effective access for our communities to engage with the planning process, which shapes their communities and the wider city. We will continue to seek views on our masterplans to ensure our city is safeguarded in changes to the regions industrial and tourism outlook. I thank all those who have engaged with the committee over the past year, I will continue to ensure increased transparency and encourage residents to continue to make representation directly at our Planning Development Management Committee in person, online or by proxy.
- 1.3 The annual report is a good mechanism for the Committee to support the Council's improvement journey by demonstrating the ways that the Committee contributes to the Council Delivery Plan and Local Outcome Improvement Plan, whilst also providing the opportunity to reflect on the business of the Committee over the past year and to look to the Committee's focus for the year ahead.
- 1.4 There were no changes made to the PDMC Terms of Reference as part of the 2023 Scheme of Governance Review, however we will continue to monitor them over the next year to ensure they remain fit for purpose.
- 1.5 Throughout the year, the Committee has worked to determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation.
- 1.6 I would like to thank Members and officers for their contributions during my time as Convener of the Committee and look forward to working with them next year.



Councillor Ciaran McRae
Convener – (Planning Development Management Committee)

2. The Role of the Committee

PURPOSE OF COMMITTEE

To ensure the effective undertaking of the Development Management and Building Standards duties of the Council.

REMIT OF COMMITTEE

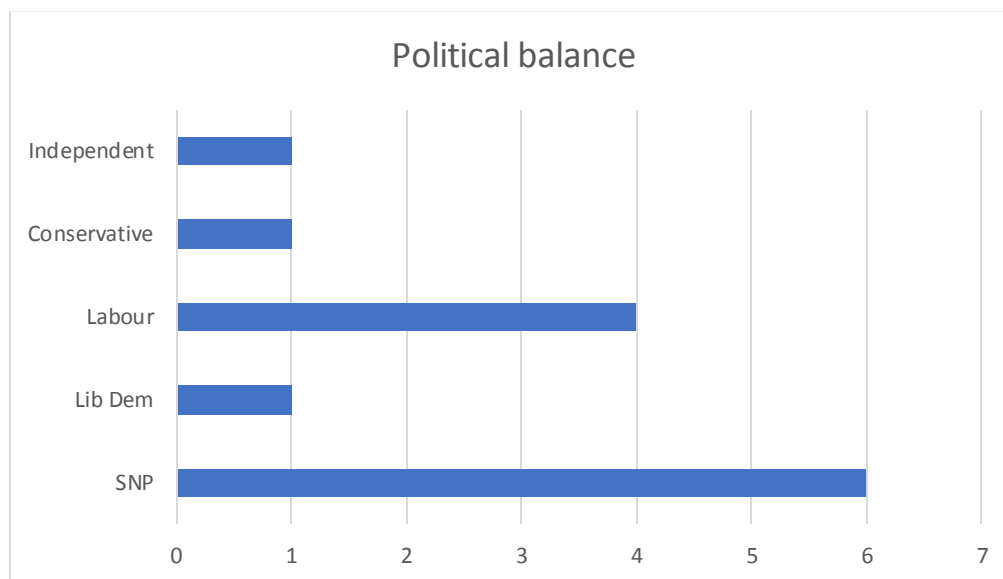
The Committee will:

1. determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre-Determination Hearing has been held;
2. visit application sites where agreed;
3. make Orders and issue Notices;
4. approve development briefs and masterplans;
5. adopt non-statutory planning guidance;
6. conduct pre-determination hearings in pursuance of the provisions contained within s38A of the Town and Country Planning (Scotland) Act 1997; and
7. determine an application for planning permission for a development where a pre determination hearing is held in terms of s38A of the Town and Country Planning (Scotland) Act 1997.

3. Membership of the Committee during 2022/2023

3.1 The Planning Development Management Committee has 13 members.

3.2 The Committee composition is presented below:-



4. Membership Changes

- Councillor McRae became Convener of the Committee in June 2023. As Councillor McRae was already a member of the Committee, Councillor Henrickson was replaced by Councillor Radley at the same time;
- Following the change of committee places as a result of the May 2023 by-election, Councillor Lawrence became a member of the Committee from the May 2023 meeting onwards;
- Councillor Farquhar replaced Councillor Houghton in February 2023;
- Councillor Macdonald replaced Councillor Crockett, following him becoming an Independent Councillor and the place on the Committee being a Labour allocation;
- Councillor Tissera replaced Councillor Blake in September 2023;

5. Member Attendance

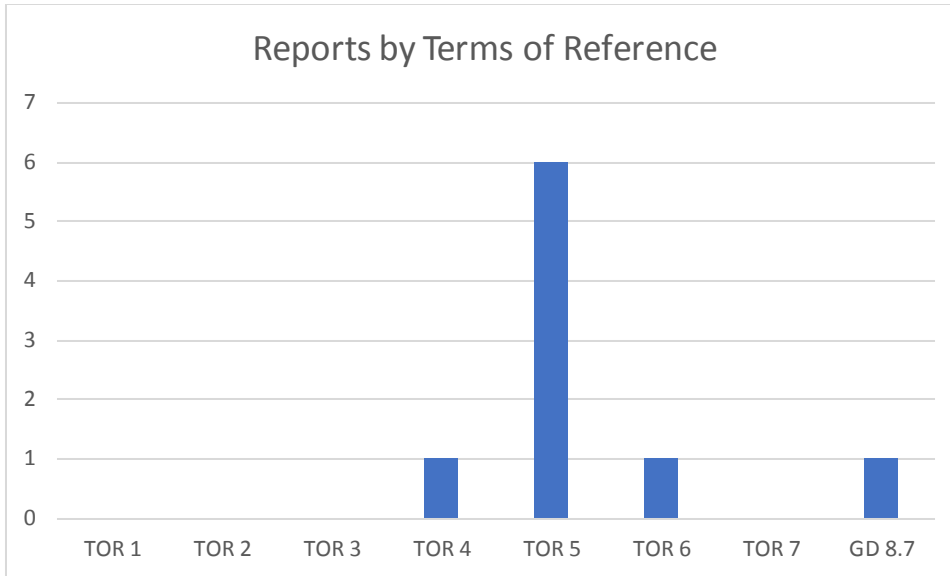
Member	Total Anticipated Attendances	Total Attendances	Substitutions
Councillor McRae	10	7	Councillors Nicoll and van Sweeden
Councillor Bouse	10	9	Councillor van Sweeden
Councillor Alphonse	10	7	Councillors Allard, MacGregor and van Sweeden
Councillor Clark	10	9	Councillor Allard
Councillor Boulton	10	8	Councillors Houghton and Massey
Councillor Cooke	10	9	Councillor van Sweeden
Councillor Copland	10	10	
Councillor Farquhar	7	7	
Councillor Lawrence	4	4	
Councillor Macdonald	1	1	
Councillor Radley	2	2	
Councillor Thomson	10	10	
Councillor Tissera	0	0	

6. Meeting Content

6.1 During the 2022/2023 reporting period (14 October 2022 to 14 October 2023), the Committee had 10 meetings and considered a total of 8 reports. There were also 38 planning applications considered. Of the 38 applications, 33 were approved/refused in line with the officer recommendation and 5 were determined against officer recommendation.

6.2 Terms of Reference (TOR)

6.2.1 The following chart details how reports aligned to the Terms of Reference (set out at section 2 above) for the Committee.



- 6.2.2 During the course of 2022/2023 the Committee received reports under various Terms of Reference. In regards to TOR 1 (determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre Determination Hearing has been held) – 38 applications were considered and determined. Two applications were determined after a site visit which relates to TOR 2.
- 6.2.3 As the committee structure was reviewed in late 2022, very few changes to the Terms of Reference were made following the June 2023 Scheme of Governance review. Any changes made were generally to provide clarity where required and ensure consistency between committees. The new Terms of Reference will continue to be monitored throughout the year, in preparation for the 2024 Scheme of Governance review.
- 6.2.4 As this is a quasi judicial committee, the majority of the business carried out by PDMC are planning applications rather than reports.

7. Reports and Decisions

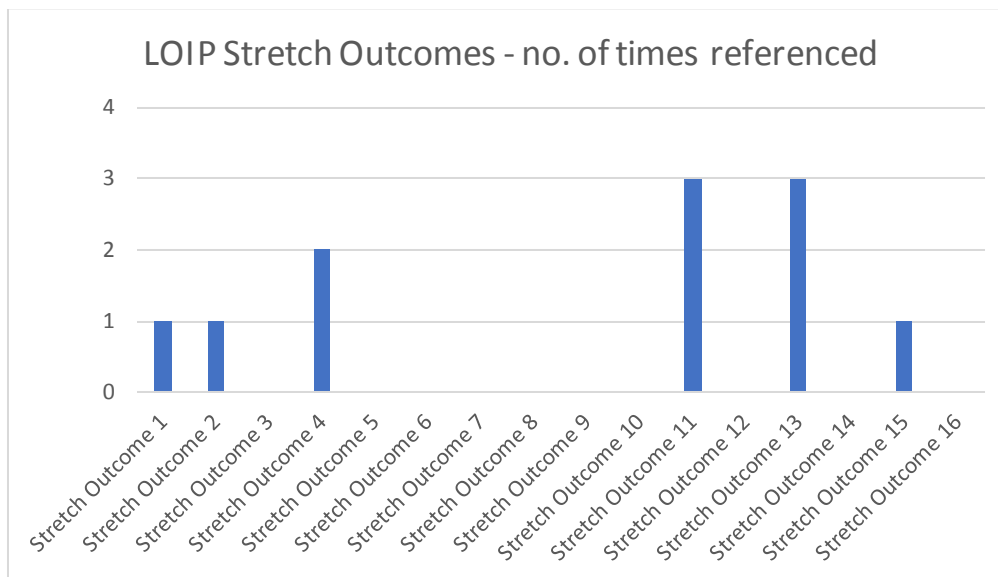
7.1 The following information relates to the committee reports and Notices of Motion presented to Committee throughout the reporting period, as well as the use of Standing Orders and engagement with members of the public.

	Total	Total Percentage of Reports
Confidential Reports	0	N/A
Exempt Reports	0	N/A
Number of reports where the Committee amended officer recommendations	2	25%
Number of reports approved unanimously	6	75%
Number of reports or service updates requested during the consideration of another report to provide additional assurance and not in business planner	0	N/A
Number of reports delayed for further information	0	N/A
Number of times the Convener has had to remind Members about acceptable behaviour in terms of the Code of Conduct	0	N/A
Late reports received (i.e. reports not available for inspection at least 3 clear days before the meeting)	0	N/A
Number of referrals to Council under SO 34.1	0	N/A

Notices of Motion, Suspension of Standing Orders, Interface with the Public	
Number of Notices of Motion to Committee	1
Number of times Standing Orders suspended	1
Specific Standing Orders suspended	40.2 – time of meeting to go past 6 hours
Number of representations requested to speak	63
Number of representations heard	63
Number of petitions considered	0

8. Reports with links to the Local Outcome Improvement Plan

8.1 The following table details of the 8 reports how each report linked to the Local Outcome Improvement Plan (LOIP Stretch Outcomes are appended to this report for reference at Appendix 1).



9. Training and Development

9.1 Training opportunities for Members during the reporting period were as follows:-

- National Planning Framework
- Developer Obligations
- Community Planning Aberdeen and the Local Outcome Improvement Plan
- Planning Committee
- Local Review Body

9.2 Further development opportunities will be considered for next year based on Committee business throughout the year, Executive Lead proposals and Member feedback on what may be required to assist them in performing their roles.

10. Code of Conduct Declarations and Transparency Statements

- 10.1 3 declarations of interest and 7 transparency statements were made by Members during the reporting period. Information in respect of declarations of interest and transparency statements is measured to evidence awareness of the requirements to adhere to the Councillors' Code of Conduct and the responsibility to ensure fair decision-making.

11. Civic Engagement

- 11.1 During the course of the year there has been consultation with the public in relation to draft Aberdeen Planning Guidance: Resources for New Development, Space Standards and Outdoor Seating. Consultation was also carried out for the Energy Transition Zone Masterplan.

12. Executive Lead to the Committee - Commentary

- 12.1 Planning Development Management Committee continues to be available as a hybrid option for Members which means that Members can join the meeting and participate remotely if required. Webcasting is also available for each meeting so members of the public can view the proceedings of the committee.
- 12.2 A new procedure was also introduced in April 2023, which meant that all Members on PDMC would participate in a rota system for the Local Review Body, with each Member requiring to sit on three or four meetings a year. Local member are not permitted to sit on reviews which fall in their ward.

13. The Year Ahead

- 13.1 In December 2022, a new procedure was established for PDMC which allowed interested parties who had submitted a representation to speak at a relevant PDMC meeting, where an application was to be considered. After a year of operation, this procedure will be reviewed and taken back to committee in December 2023, to reflect on how the procedure has operated and any changes that may be necessary.
- 13.2 The Committee will continue to determine planning applications which fall to be determined under the Scheme of Delegation and planning training will continue to be part of the scheduled elected member development programme.

Appendix 1 – Local Outcome Improvement Plan Stretch Outcomes

Economy	
1.	No one will suffer due to poverty by 2026
2.	400 unemployed people supported into fair work by 2026
3.	500 people skilled/ reskilled to enable them to move into, within and between economic opportunities as they arise by 2026
People (Children & Young People)	
4.	95% of children will reach their expected developmental milestones by their 27-30 month review by 2026
5.	90% of children and young people report they feel listened to all of the time by 2026
6.	By meeting the health and emotional wellbeing needs of our care experienced children and young people they will have the same levels of attainment in education and positive destinations as their peers by 2026
7.	95% of children living in our priority neighbourhoods (Quintiles 1 & 2) will sustain a positive destination upon leaving school by 2026
8.	83.5% fewer young people (under 18) charged with an offence by 2026
9.	100% of our children with Additional Support Needs/disabilities will experience a positive destination
People (Adults)	
10.	25% fewer people receiving a first ever Court conviction and 2% fewer people reconvicted within one year by 2026
11.	Healthy life expectancy (time lived in good health) is five years longer by 2026
12.	Rate of harmful levels of alcohol consumption reduced by 4% and drug related deaths lower than Scotland by 2026
Place	
13.	Addressing climate change by reducing Aberdeen's carbon emissions by at least 61% by 2026 and adapting to the impacts of our changing climate
14.	Increase sustainable travel: 38% of people walking and 5% of people cycling as main mode of travel by 2026
15.	Addressing the nature crisis by protecting/ managing 26% of Aberdeen's area for nature by 2026
Community Empowerment	
16.	100% increase in the proportion of citizens who feel able to participate in decisions that help change things for the better by 2026

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