

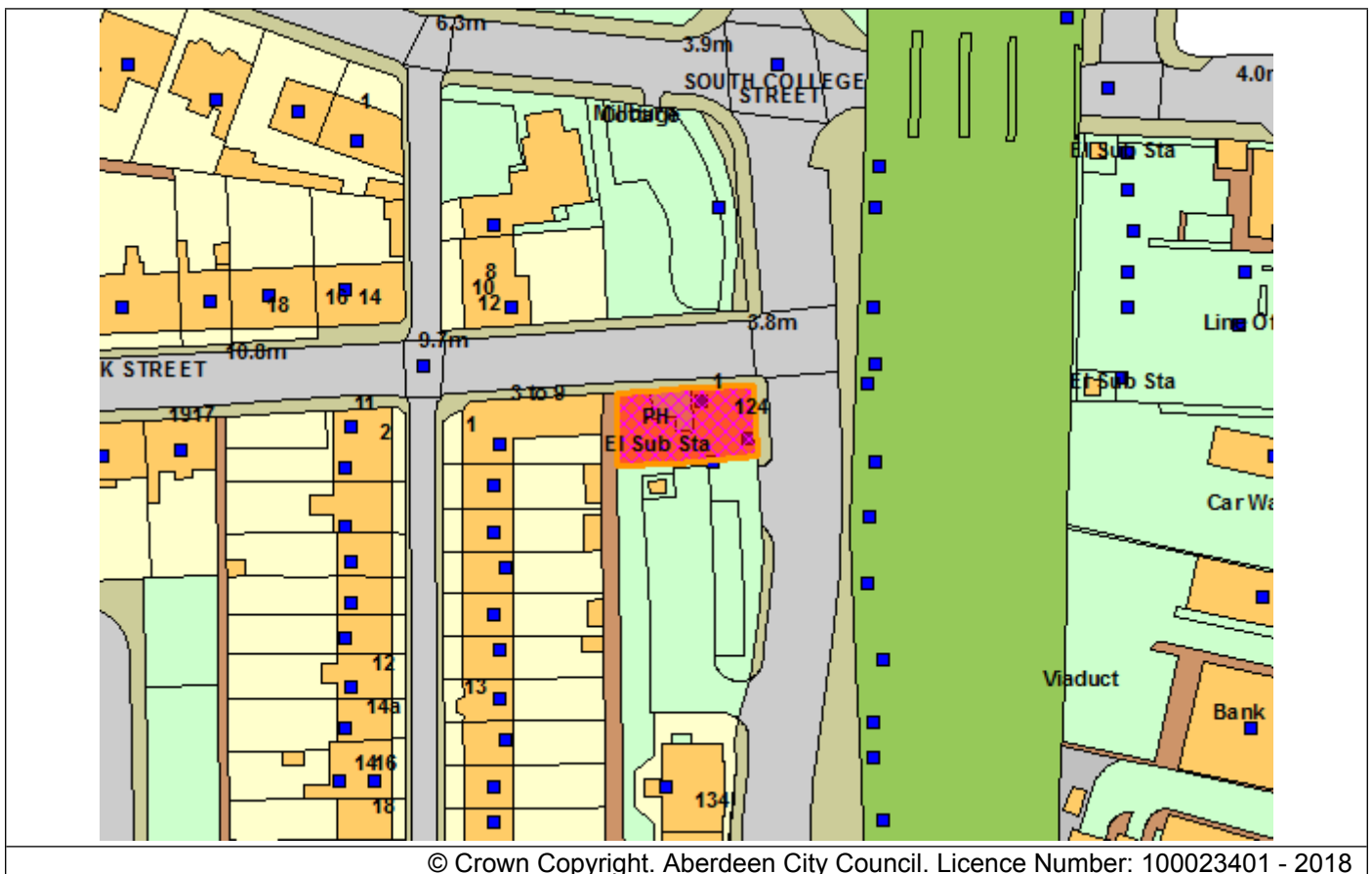


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 2 July 2020

Site Address:	Ferryhill Tavern, 124 South College Street, Aberdeen, AB11 6LA
Application Description:	Change of use from public house (sui generis) to hot food takeaway (sui generis) alterations to shop front and installation of ventilation and extraction system
Application Ref:	200094/DPP
Application Type	Detailed Planning Permission
Application Date:	27 January 2020
Applicant:	Papa John's (GB) Ltd
Ward:	Torry/Ferryhill
Community Council:	Ferryhill And Ruthrieston
Case Officer:	Dineke Brasier



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

A 2½ storey traditional granite building with pitched slated roof and dormers to the front and rear located on the corner of South College Street and Bank Street. The ground floor was previously in use as a public house but has been vacant for a significant period of time, with the upper floors divided in residential flats. The building has a large flat roofed part single/part two storey extension, which is not part of this current application, but was previously in use as the Devanha Tavern.

It is set in a residential area with traditional tenement buildings along Bank Street to the west; commercial units in the railway arches across South College Street to the east; two areas of rough land that are used as private car parks to the north and south. This part of South College Street, not including the site itself, but including the two rough areas to the north and south and the junction with Bank Street itself is incorporated under the land safeguarded for the South College Street improvements project.

Relevant Planning History

- 200012/ADV – Installation of 1 illuminated fascia sign and 1 illuminated projecting sign – Approved on 5th June 2020;
- 171224/DPP – Change of use from public house (sui generis) to a restaurant and associated function room (class 3) with rear extension – Approved on 14th December 2017;
- 160531 – Change of use of public house (sui generis) to shop (class 1), partial replacement of rear extension, installation of plant equipment to roof and installation of new shopfront – Refused on 16th June 2016 and subsequently dismissed on appeal;
- 151865 – Change of use from public house (sui generis) to convenience store (class 1), partial replacement of rear extension, installation of plant equipment to roof and installation of new shop front – Withdrawn
- 141523 – Change of use from public house (sui generis) to 10 serviced apartments (sui generis) - Withdrawn

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the vacant public house 'The Ferryhill Tavern' (sui generis) to a hot food takeaway (sui generis). The proposal includes installation of a new shopfront and an extraction/ventilation system with outlets on the north elevation and west elevation.

The shopfront would comprise two near full-height windows, with a near fully glazed door with fan light above. It would incorporate an area above the windows suitable for fascia signage as approved under 200012/ADV. The window and door frames would be finished in black sprayed aluminium.

Two extract grilles would be installed in the north elevation, in the position of two existing openings. A further third condenser unit would be installed in the west elevation, opposite the tenement block at 3 Bank 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=Q4KHTHBZMVP00>

Noise and Odour Impact Assessment by Grosle Environmental Services, dated 11th June 2020, setting out proposed mitigation measures in relation to noise and odour control required in association with the proposed use of the ground floor of the building as a hot food takeaway.

Planning Statement by Turley, dated January 2020, setting out background details to the application, key factors that should be taken into account, and assessment against relevant planning policies.

Transport Statement and Car Parking Appraisal by Cameron and Ross, dated May 2020, provides a car parking survey dated 2016 and details of proposed parking and servicing arrangements.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because a total of six timeous letters of objection were received.

CONSULTATIONS

ACC - Roads Development Management Team – Recommends refusal of the application. The site is on a busy street, straddling a junction, next to two private parking areas. The proposed use is comparable to the refused application for a convenience store (160531) in that the customers are likely to have relatively quick visits to the premises to order and pick up pizzas. In this previous refused application, a lack of available parking spaces and the risk of indiscriminate parking could have a significant detrimental impact on the amenity of people living in Bank Street. In addition, it was considered that the parking spaces in the adjacent streets could not necessarily be deemed available for customers, and that the proposal could increase the use of parking spaces on the east side of South College Street, which could be detrimental to pedestrian and vehicular safety due to the busy nature of South College Street.

It is considered that these issues would all be relevant for the proposed use. The unit would be eligible for two parking permits, and the applicant states that these permits could be shared by up to five delivery drivers at the weekend. This would not be a workable situation.

The applicant highlights that comparing the previous use (public house) with the proposed (hot food takeaway) would result in a requirement of one less on-site parking space. However, even though this is the case on paper, it is considered that the proposed is more likely to result in an increase in short duration trips, which can't be quantified in terms of parking provision – i.e. people 'nipping in' to grab their food. If there is no allocated parking, it is unlikely that someone will drive laps looking for a space while their food gets cold, and are more likely to park indiscriminately. The proposed location has little scope for preventing that.

The 2016 parking survey submitted as part of this application shows that there are a handful of spaces available on Bank Street, which the applicant indicates can be used for servicing. A servicing vehicle is 10.9m long and the standard car parking space is 5m, so a service vehicle will need c.3 adjacent spaces to park. There is no guarantee or method to ensure that these spaces will either be available or adjacent to one another. If this is not the case, then the servicing strategy falls apart. The section of road closes to the site is double yellow line, and the rest of the street is parking bays. There is a very real chance that service vehicles will regularly be unable to get parked. This is deemed to be an unrealistic and not robust strategy. Deliveries are proposed twice a week between 6am and 8am, when parking is likely at its busiest due to residents still being at home.

In conclusion, the parking appraisal document submitted on behalf of the applicant has not quelled the concerns of ACC Roads officers, and it is felt that the site is not suited to the proposed use due

to lack of parking, lack of space for servicing, and particularly due to the sites' location – a heavily trafficked road, on a junction.

This site has previously been deemed unfeasible for a shop, but was approved for a restaurant. It is felt that the proposed use is much more similar in nature to a shop than a restaurant in terms of the number of short-duration vehicular trips as opposed to long-stay trips. As such, the same concerns with the shop application are present here.

For the above reasons, Roads would recommend this application for refusal.

ACC - Environmental Health – The submitted Noise and Odour report does not consider the noise emissions from operating activities, including kitchen activities, takeaway deliveries and patron noise and their impact on neighbouring sensitive receptors above. Due to the absence of the above information there is insufficient demonstration that the proposal will provide acceptable conditions for residents, this Service is unable to accept the report and its outcome currently, and can therefore not support the application in its current form.

Ferryhill And Ruthrieston Community Council – None received

REPRESENTATIONS

Six timeous letters of objection and fourteen letters of support were received. The letters of support originated from various areas both within and outside the city. Matters raised were the following:

1. Increase in traffic on surrounding streets caused by customers, delivery drivers and service vehicles will have a significantly negative impact on surrounding streets such as South College Street and Bank Street;
2. Insufficient parking in the surrounding area;
3. The use of Bank Street for servicing/unloading seems inappropriate;
4. Issues raised in previous applications in relation to parking and servicing are not addressed;
5. Customers and delivery drivers will ignore existing parking restrictions and park on double yellow lines;
6. Proposal will put a strain on traffic flow and management in an already poorly managed area;
7. Additional bike parking should be provided for residents;
8. Quiet and residential area and 'fast' food shop is not needed;
9. Adverse impact on residential amenity caused by smells and noise. Likely to result in an increase in sea gulls;
10. Location of proposed bin store would impede access to lane serving 3 and 5 Bank Street. No details of bin store provided, this could result in smells to 3 and 5 Bank Street and gardens of properties on Prospect Terrace that back onto the proposed bin store;
11. Great investment in the area and would create needed jobs;
12. Proposal would bring a derelict site back into use;
13. Facility would be in a convenient location for both local residents and visitors to the shops;

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City

and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

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

Aberdeen Local Development Plan (2017)

H1: Residential Areas

D1: Quality Placemaking by Design

T1: Land for Transport

T2: Managing the Transport Impact of Dev

T5: Noise

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis.

WB3: Noise

D1: Quality Placemaking

D2: Amenity

D9: Shopfronts

H1: Residential Areas

T1: Land for Transport

T2: Sustainable Transport

T3: Parking

Supplementary Guidance (SG)

Harmony of Uses
Shops and Signs

EVALUATION

Principle of Development

The site is located in a residential area, and policy H1 applies. This policy sets out that non-residential development would only be acceptable if:

- a. They are considered complementary to the residential use; or
- b. 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 property can be used as a public house and the proposed use would be a hot food takeaway. This is the kind of use that can be expected – up to a certain extent – within residential areas, and as such could be considered in principle to comply with this part of the policy. However, the impact of the proposed change of use on the residential amenity of neighbouring properties and compliance with other ALDP policies and supplementary guidance are important considerations and will be assessed below. Before doing so, an assessment of the proposed physical changes to the building is made under 'Scale and Design'.

Scale and Design

Policy D1 sets out that not all development will be of a scale to make a significant placemaking impact. However, all good design and detail adds to the attractiveness of the built environment, and careful consideration is crucial.

External alterations comprise the installation of a new shopfront, two extract grilles to the side elevation and condenser unit to the rear elevation. The two extract grilles would be located within existing openings, and are therefore not considered to have a detrimental impact on the character and appearance of the existing building. Similarly, the condenser unit would be contained to the rear and would be attached to the modern, single storey extension, where it would not be visible from the public realm. Given this structure would be required for the running of the hot food takeaway, this would be the most discrete place to install this structure, its impact on visual amenity and the character and appearance of the existing building would be acceptable.

The proposed new shopfront would consist of two near full height windows either side of a nearly fully glazed door with a plywood signage zone above. Both windows and door would be framed in black painted aluminium. The overall height of the shopfront would be c.3.2m, with the signage zone measuring c.0.6m. This would equate to c.19% of the entire height of the shop front, in line with guidance as set out by the SG on Shops and Signs. The use of aluminium framed windows and door, and the proportions of window with a low stall riser (c.0.4m) underneath are in compliance with guidance contained within the SG and generally considered to be sympathetic to this traditional building and the surrounding area.

Taking the above in consideration, the proposed external alterations are considered to be in compliance with policy D1 and Supplementary Guidance on Shops and Sign. However, the acceptability of these physical alterations do not outweigh the harm arising from the proposal as explained in the remainder of this report.

Impact on Residential Amenity

Supplementary Guidance on Harmony of Uses sets out that having a mix of uses can create a vibrant setting. However, it should be ensured that the mix does not impact negatively on existing uses. It provides specific guidance on, amongst other uses, the location of hot food takeaways and

public houses. In this SG, it is recognised that these specific uses can raise sensitive amenity issues for neighbouring properties in relation to noise, smell and litter, and that the protection of living conditions of residents in close proximity to any proposed hot food takeaways should form a major consideration in assessing application of this nature. Some of the major issues are in relation to noise and vibrations generated from cooking and essential extraction equipment in hot food takeaways, along with increased levels of customer movement. As such, the guidance is clear in that it is not usually considered acceptable to locate a hot food takeaway directly underneath or adjacent to residential properties. The SG states further *“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, odour, traffic disturbance, litter or hours of operation as a result of the proposed premises”*.

In this case, there are three flats on the upper floors, and as such, the proposal would be contrary to this element of the Supplementary Guidance. However, it is accepted that the previous use of the building was as a public house, which could be reinstated without further planning permission. This use in itself could result in some level of disturbance of residential amenity, especially in relation to noise rising up to the upper floors of the building.

However, each application requires to be assessed on its own merits, and in this case, the proposal is for a change of use to a hot food takeaway. To ensure there would be no further impacts arising from this change of use to a hot food takeaway, the applicant submitted a Noise and Odour Impact Assessment and proposed extraction and ventilation details. Officers in Environmental Health assessed this report. They concluded that even though the proposed extraction system would be acceptable for cooking odours, it did not address noise emissions from operating activities (including, kitchen activities, takeaway deliveries and patron noise) satisfactorily, and as such cannot support the application in its current form as it has not demonstrated that the proposal would not have an adverse impact on the occupiers of the upper floor flats. In addition, proposed deliveries would be early in the morning, with likely delivery times being between 6am and 8am. The proposed parking area for servicing vehicles would be immediately adjacent to a residential tenement, and this could result in noise disturbance through rattling of cages etc and movements between the delivery vehicle and the entrance into the premises. This is a further issue similarly raised by the Reporter in the decision notice for the appeal for the previous application for the convenience store.

As such, the proposal has the potential to have a significant adverse impact on the residential amenity of the occupants of the upper flats, and would be contrary to this part of H1, and the Supplementary Guidance on Harmony of Uses.

Parking and servicing

Parking

The planning application refused in 2016 for a change of use to Class 1 (Shops) raised parking and servicing issues that are similar to those arising from this proposal. That application was refused on the grounds that (1) due to the combination of insufficient parking, the inherent issues of using Bank Street for deliveries due to its residential nature and steep and narrow layout and the nature of South College Street as an important and busy thoroughfare between the city centre and the south of Aberdeen, the proposal could result in severe congestion and would have a detrimental impact on road and pedestrian safety, and (2) the proposed location of a loading bay would be in front of a residential building on Bank Street, which due to their nature, deliveries of goods would result in an unacceptable increase in noise, potentially early in the morning, which would have an acceptable impact on residential amenity. The Reporter, in her decision letter on dismissing the appeal stated *“I consider that, because of the lack of off-street parking and the likelihood that service deliveries would disturb nearby residents there would be a significant detrimental impact on those living locally...”* She continued by stating *“the proposal does not comply with local development plan policy T2 because of the lack of parking and with policy H1 because of the conflict with residential amenity.”*

Although the current proposal for is for a hot food takeaway, this appeal decision is nevertheless a significant material consideration as similar issues arise with regard to the lack of parking and the impact of deliveries on road safety and residential amenity.

The site is located on the corner of South College Street and Bank Street, and would provide no off-street parking. South College Street itself is a busy arterial route between the city centre and the south of the city. To the east of South College Street are commercial units set within the Railway Arches. This part of Bank Street is a residential street with resident permit parking and short term pay and display. To the north and south are two areas of rough land that are used for parking. However, these areas are private, and cannot be considered available for parking of staff, delivery vehicles or customers, or be used for servicing.

A Transport Statement has been submitted by the application setting out the parking and servicing strategy for the proposed use. This document is further supported by a 2016 parking survey undertaken for a previous application for a change of use to a class 1 retail unit (160571) as, due to Covid-19 restrictions it was unfeasible to commission a new parking survey, and, as during the lockdown the results of such a survey could have been skewed and thus unreliable, as it is likely that most residents living in the surrounding area would have stayed at home and the businesses in the Arches would predominantly be closed. However, as there has been no significant additional residential or commercial developments in the surrounding area, it is considered that this parking survey would still give a relatively accurate reflection of the 'normal' situation.

The Transport Statement sets out that the two permits would be shared by the up to 5 delivery drivers and that a notice in the shop window would remind drivers not to park inconsiderately. However, it is considered that this would not be a practical solution as it is unlikely that the sharing of the permits would be a workable solution if drivers only come in to pick up the next delivery, and that it is extremely unlikely that customers would move their cars once they have entered the premises, if parked indiscriminately.

The Parking Survey covers an area including the entire length of Bank Street and Prospect Terrace, and the east side of South College Street between its junctions with Palmerston Place and the A956 just to the west of the railway line – a total stretch of c.520m, with the furthest spaces being c.200m from the application property. In reality, it is considered that customers would be most likely to park in the stretch of Bank Street between South College Street and Prospect Terrace – nearest the application property. Furthermore, certain stretches of both the western end of Bank Street and the southern end of Prospect Terrace are resident permit parking only, and are therefore not available to the general public, or like the northern end of Prospect Terrace, carry parking restrictions and are therefore unavailable for general use for a set period of time.

The parking survey shows that the spaces most often unavailable are those on the eastern end of Bank Street – nearest the application site. It is unlikely that people wanting to pick up a pizza would circle the surrounding streets to find an available and lawful parking space, and the proposal could therefore result in an increase in indiscriminate parking, including on double yellow lines on junctions, especially the main junction at South College Street/Bank Street. This would have a detrimental impact on existing road safety conditions. In addition, the increased pressure on parking spaces and potential increase in indiscriminate parking would have a significant adverse impact on the residential amenity of people living in Bank Street.

In addition, it is considered unsafe to park on the eastern side of South College Street as this is a busy arterial route linking the city centre to the A956, which serves the south of the city and beyond. To the front of the commercial units in the Arches are some parking spaces, that, even though generally considered to be part of the commercial units, are not controlled. These spaces are officially for parallel parking, although in general are used for end-on parking. Whilst it technically increases the number of parking spaces in the immediate area, due to their unauthorised nature,

they cannot be counted towards the number of parking spaces as, due to the relative narrow depth of the spaces, especially in the section immediately opposite the application site, they would result in cars blocking the pavement – an unsafe situation that should not be further encouraged. Furthermore, due to the busy nature of the road, it is considered that further turning movements associated with vehicles parking for a short period of time and reversing in and out of spaces would give rise to a safety hazard on this very busy and congested part of the road network.

Furthermore, the nearest safe pedestrian crossing point is located on the junction of South College Street with Millburn Street and Palmerston Place at a distance of c.50m from the application property. It is unlikely that people who would park their car on the eastern side of South College Street would walk up to that pedestrian crossing, wait for a 'green man', cross over the road and then walk back down the street to visit the premises. It would be much more likely for customers to quickly dash across the road. This would have an additional adverse impact on pedestrian and vehicular safety.

Taking account of the above, it is not considered that it has been satisfactorily demonstrated that parking demand for both customers and delivery drivers can be accommodated in the immediate area surrounding the Ferryhill Tavern. There would be an inherent risk of cars parking on double yellow lines, including on the busy arterial road of South College Street, which would have an unacceptable impact on road and pedestrian safety. As noted above, these were issues similarly recognised by the Reporter in the appeal that was dismissed for the previous application 160531 for the proposed change of use of the building to a convenience store. Furthermore, and importantly, when compared with the previous approved restaurant use (171224/DPP) and the extant permission for a public house, the type of customer would be different. In this case, customers would only visit the premises to order and pick up food, and as such these would be short visits, whereas for both the public house and the restaurant, visits would be longer, and more often planned in advance. As such, people would be more likely to find an acceptable parking space. Furthermore, both types of use could result in customers consuming alcohol on the premises, and as such would be more likely to car share, or not use a car at all.

Servicing

Similarly, the applicant is reliant on the availability of on-street parking spaces on Bank Street nearest the application site for deliveries of ingredients and other materials. A size of 10.9m is specified for delivery vehicles, which would equate to three parallel parking spaces in a row. Taking account of the results of the parking survey, it would be unlikely that these three spaces would necessarily be available for deliveries at the required times, with the most likely time for deliveries specified as being between 6am and 8am in the morning twice a week. As such, it is likely that delivery vehicles will either stop on double yellow lines, and thus obscuring visibility on the junction with South College Street, or in the middle of the street providing an obstruction for other traffic. This would not be considered acceptable, and would raise another concern in relation to the potential impact of the proposal on local highway conditions.

As such, it is considered that the proposal would not be compliant with policy T2 and SG on Transport and Accessibility as it would provide insufficient parking, and lack of space for servicing. This is mainly due to the proposed use of the building as a hot food takeaway and associated short, but frequent visits, and due to the site's location which is immediately adjacent to a busy, heavily trafficked road and on a junction.

Waste

The proposed site plan shows that a bin store would be located to the rear of the building in an existing lane running between the Ferryhill Tavern and 3/5 Bank Street. It is unclear whether there will be a route through the building towards this bin store, or whether staff would need to walk round along Bank Street to access the bins. However, the proposed bin store is in the same position as that previously accepted under 171224/DPP and as such is acceptable.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given.

Policies D2 (Amenity), D9 (Shops and Signs) and T3 (Parking) are new policies. Policy D2 (Amenity) is aimed at safeguarding residential amenity. As set out above, the proposal is considered to have a detrimental impact on the residential amenity of neighbouring properties, and in particular the flats on the upper floors of the building. The proposal is therefore considered not to comply with this additional policy.

Furthermore, policy T3 (Parking) is aimed at ensuring sufficient parking is provided for development proposals. Again, for the reasons given above, it is considered that this proposal does not comply with this policy.

Finally, policy D9 (Shops and Signs) is a replication of current SG on Shops and Signs. As set out above, it is considered that the proposed replacement shop front would be of a satisfactory design, proportions and materials and the proposal would therefore comply with this policy.

Matters raised in letters of objection

1. Increase in traffic on surrounding streets caused by customers, delivery drivers and service vehicles will have a significantly negative impact on surrounding streets such as South College Street and Bank Street – *This has been addressed above;*
2. Insufficient parking in the surrounding area – *This has been addressed above;*
3. The use of Bank Street for servicing/unloading seems inappropriate – *This has been addressed above;*
4. Issues raised in previous applications in relation to parking and servicing are not addressed – *Each application is assessed on their own merits. These issues however are addressed above;*
5. Customers and delivery drivers will ignore existing parking restrictions and park on double yellow lines – *Road safety and concerns related to parking are discussed above;*
6. Proposal will put a strain on traffic flow and management in an already poorly managed area – *This has been addressed above;*
7. Additional bike parking should be provided for residents – *Even though supporting information sets out that three additional bike racks will be provided as part of the development, these are likely intended to be for clients and staff. The proposed development would be too small to require additional infrastructure for the surrounding area;*
8. Quiet and residential area and 'fast' food shop is not needed – *The impact of the proposal on the residential amenity of the surrounding area is discussed above. The need for a 'fast' food shop in the surrounding area is not a material consideration;*
9. Adverse impact on residential amenity caused by smells and noise. Likely to result in an increase in sea gulls – *The impact of the proposal on residential amenity is discussed above;*
10. Location of proposed bin store would impede access to lane serving 3 and 5 Bank Street. No details of bin store provided, this could result in smells to 3 and 5 Bank Street and gardens of properties on Prospect Terrace that back onto the proposed bin store – *Details of the bin store could be secured by condition. The position of the bin store is discussed above;*
11. Great investment in the area and would create needed jobs – *Even though the proposal would represent some investment in the surrounding area, it is considered that the detrimental impact on residential amenity and on parking and road safety would outweigh this;*
12. Proposal would bring a derelict site back into use – *Each application is assessed on a site-by-site basis, and it is considered that this proposal would not represent an acceptable use for this building and the surrounding area;*
13. Facility would be in a convenient location for both local residents and visitors to the shops – *It is*

acknowledged that the proposed hot food takeaway would be located within a residential area and would be easily accessible for nearby residents, it is considered that the implications on residential amenity and on parking and road safety would outweigh these benefits.

Suggested potential conditions:

The proposal is recommended for refusal, however, if the Planning Committee is minded to approve, then the following conditions would be suggested:

1. Submission of details of a service/delivery management plan;
2. Submission of a further Noise Impact Assessment considering emissions from operating activities including kitchen activities, takeaway deliveries and patron noise and their impact on flats on the upper floors, and implementation of any mitigation measures recommended in this report;
3. Control on opening hours

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. Due to the combination of insufficient parking for both delivery drivers and customers, and servicing vehicles, and steep and narrow layout of Bank Street, and the nature of South College Street as an important and busy thoroughfare between the city centre and the south of Aberdeen, the proposal could result in severe, unacceptable levels of congestion and would have a detrimental impact on road and pedestrian safety. This would be contrary to the requirements of policy T2 (Managing the Transport Impact of Development), H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan, and policies H1 (Residential Areas), T2 (Sustainable Transport) and T3 (Parking) of the 2020 Proposed Aberdeen Local Development Plan and the Transport and Accessibility Supplementary Guidance.
2. It has not been satisfactorily demonstrated that the proposal would not have an adverse impact on the residential amenity of neighbouring properties, in particular the flats on the upper floors, through noise disturbance from the extraction system and, for the nearest tenement on Bank Street, deliveries early in the morning. As such, the proposal is considered not to have demonstrated compliance with policy H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan, and policies H1 (Residential Areas) and D2 (Amenity) of the 2020 Proposed Local Development Plan.