

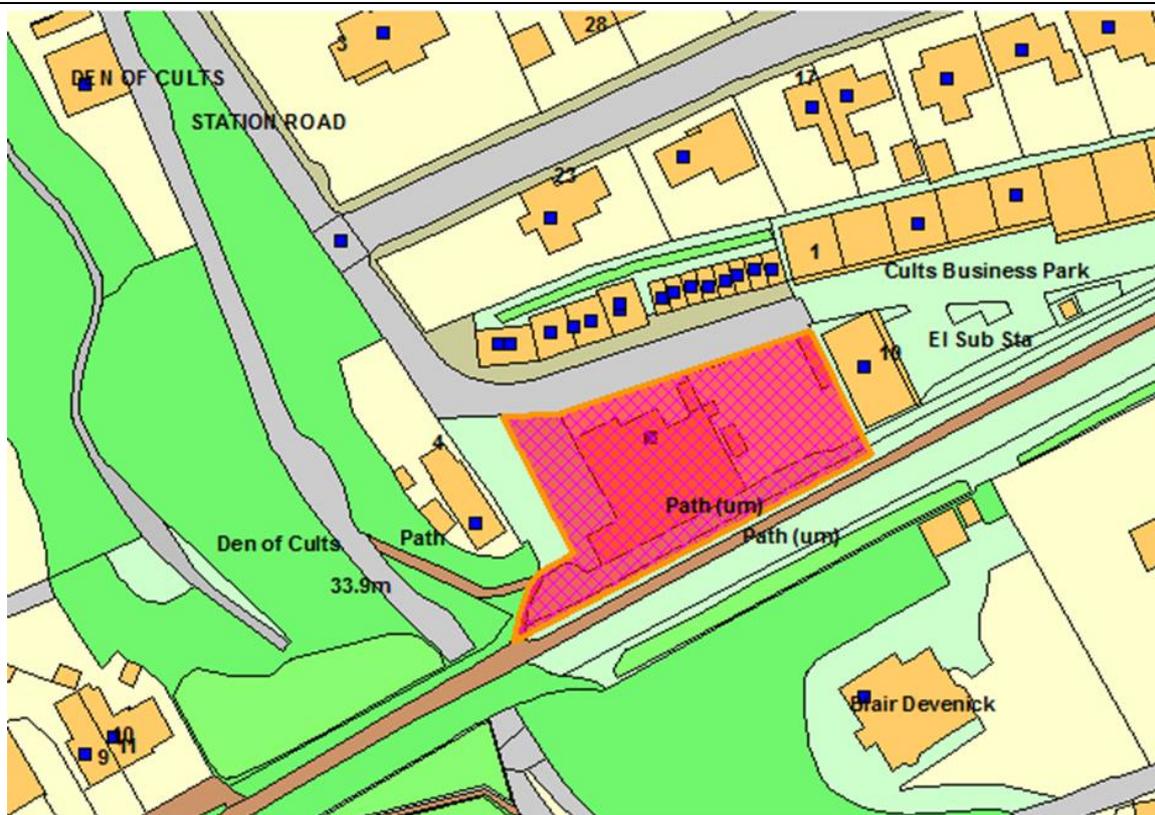


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 30 September 2021

<b>Site Address:</b>	Former Cults Railway Station, Station Road, Cults, Aberdeen AB15 9NP
<b>Application Description:</b>	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
<b>Application Ref:</b>	210140/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	5 February 2021
<b>Applicant:</b>	JJ's Food & Drink Co Ltd
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Jane Forbes



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## RECOMMENDATION

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site, extending to an area of some 1700m<sup>2</sup>, 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 site most recently operated as a joinery business and comprises the original late 19<sup>th</sup> century single storey station building (which has seen a number of extensions over the years and a resulting footprint of some 380m<sup>2</sup>), the station platform, an external semi-enclosed yard and an area of hardstanding which provides parking space.

The original station building design is typical of the standard station style of the late 1800's, 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 has served as workshop space for the joinery business and is largely finished in timber cladding with metal sheet roofing.

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**

None

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the re-development of the site including the change of use and refurbishment of the existing former Cults Railway Station building to form a café (Class 3) with outdoor seating, along with associated works to provide 19 car parking spaces (16 x standard, 3 x accessible), 48 cycle parking spaces (16 x long stay, including 8 internal), hard and soft landscaping, and boundary treatment.

With the exception of a section of the rear lean-to extension lying along the northern elevation of the building which would be removed, the existing building, as extended, would be retained to accommodate a large open seating area for the café, private dining space, kitchen and storage areas, customer toilets, staff facilities, a bin store and secure cycle parking for staff (8 x long stay).

The main customer access to the proposed café would be provided via the front (south) elevation of the original station building, with two new sets of timber framed doors being introduced which would open onto the former platform area. A further access point for customers is proposed to the east elevation which opens onto the yard area, whilst staff access to the building would be provided via the single storey flat-roofed extension which lies to the west of the main station building. The yard would be enclosed by means of a timber picket fence with gate openings, with this external space delivering the main outdoor seating area and accommodating a food van serving station and small children's play area. A further area of informal outdoor seating is proposed along part of the aforementioned platform, to the front (south) of the building.

The proposed refurbishment of the building includes repair/replacement of the timber cladding, with horizontal cladding to match that of the original building and vertical cladding on the existing extensions, all of which would be painted in off-white to match existing; installation of solid timber and timber framed glazed doors, finished in off-white for the west elevation of the original station building and in blue for all remaining external doors; installation of full height blue coloured aluminium framed windows on east and west elevations of the building, with the existing timber sliding doors being retained and repainted in blue, and a 1.5m high etched privacy film cover to be fitted to the windows on the west elevation; replacement roof to rear extension incorporating 3 rooflights and finished in wavy profile blue coloured steel with metal flashing.

Areas of hard and soft landscaping are proposed, mainly focussed along the former platform and within the yard where the outdoor seating would be located and include a stone paved area, part of which would accommodate the informal seating to the front (south) of the building whilst also serving as a footpath linking the yard to the east with the existing public footpath to the west which serves as the access point from Station Road onto the Deeside Way. Landscaping of the site is proposed in the form of tree planting, with a mix of native species, shrub beds, hedging and wildflower and grass beds.

### **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=Q00KLOBZGJ000>

- Design and Access Statement
- Technical Note on Access & Parking including TRICS and Swept Path Analysis
- Bat Survey Report
- Noise and Odour Impact Assessment (Ref: Proposal No: TTG 151120b, Rev 2, Dated 22/1/21)
- External Lighting Report
- Natural Heritage and Landscaping Report
- Document submitted by the agent, on behalf of the applicant (dated 24 May 2021), addressing points raised in letters of representation
- Correspondence from the agent, on behalf of the applicant (dated 5 April 2021), responding to ACC Roads DM consultation comments of 17 March 2021

### **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 77) and the Cults, Bieldside and Milltimber Community Council lodged an objection to the proposal.

### **CONSULTATIONS**

**ACC - Roads Development Management Team** – The proposal has been reviewed including in terms of access, parking, servicing, the local roads network and a travel plan framework. Roads Development Management (DM) raise no objection to the development proposal subject to conditions and access improvements being delivered. Further detail on the consultation response is covered in the evaluation section of this report.

**ACC - Environmental Health** – A Noise and Odour Impact Assessment submitted in support of the proposed development was reviewed and the findings considered acceptable. Environmental Health officers raise no objection to the proposed development provided the critical noise and odour mitigation measures outlined within the aforementioned assessment are implemented and an

equivalent effect of those measures achieved. These measures include the installation of wall and roof insulation, a kitchen extraction system being installed and a restriction on the operating hours. They also recommended that there should be a strict adherence to the managerial controls detailed within the assessment to reduce the risk of malodour and statutory nuisance going forward.

**ACC - Waste And Recycling** – No objection. Confirmed that the proposed development would be classified as commercial and would therefore receive business waste collection. Whilst Aberdeen City Council is not the sole waste service contractor in the city, general comments and guidance are provided for the applicant, included as an advisory note.

**Cults, Bieldside And Milltimber Community Council** – Object to the proposal. Confirm that a proposal to secure the future of the Cults Station building would be welcome, and the Community Council would be supportive of a small café to serve mainly Deeside Way users. Raise the following issues:

#### General points

- Voice regret that the Community Council were not invited to be involved in discussions at an earlier stage and given the opportunity to contribute towards a community viewpoint.
- Highlight that the large number of submissions from a wide area which are in support of the proposed change of use to café are without comment on the detail of the application.
- Highlight the extent of strongly argued concerns which have been raised by residents in neighbouring properties along Station Road, Ashfield Road and Westerton Road and Place, with particular reference to traffic generation, parking problems in narrow residential roads and loss of amenity.

#### Seating and Opening Hours:

- Highlight that the proposed plans suggest the total seating could be over 250 with much of this outdoors, with this indicating catering on a much larger scale than a “café” and similar to what is provided by the Cults Hotel.
- Raise concerns that the amount of seating proposed combined with long evening opening hours and availability of alcohol could lead to unacceptable noise disturbance as well as traffic generation and parking issues.
- State a preference for a much reduced number of seats to serve the Deeside Way footfall, with opening hours restricted to widely-accepted “café” hours with no alcohol license or late-evening opening granted.

#### Traffic and Parking

- Note that the number of parking spaces appears to be based on the floor area of the property in accordance with Supplementary Guidance but does not reflect the amount of seating suggested or the likely car usage of many customers especially if evening opening were granted.
- Concerned and raising some doubt with the findings of the Fairhurst TRICS analysis which suggests that “the café is anticipated to attract the bulk of its clientele from the Deeside Way rather than by car trips from the surrounding area” (para 1.4).
- Believe that the available parking spaces would be swamped by evening clientele arriving by car. Surrounding roads are narrow and already under parking and traffic pressure. The spill-over of parked vehicles onto these roads would create problems for residents and possibly restrict access for emergency vehicles to Station Road and Den of Cults.

#### Heritage

- State a preference for the platform (South) façade to be restored to its original condition and had hoped to see the removal of existing extensions to North and West, with recladding of these buildings unacceptable.

- Highlight that any new extension should reflect the original design of the building.
- State that photos included within the Design and Access Statement suggest the recently restored Ballater Station is seen as a model and would welcome this approach.

## **REPRESENTATIONS**

A total of 339 valid and timeously made representations have been received in relation to this application, 73 expressing objection or concern about the proposal, 264 expressing support, and 2 of which are neutral. These submissions raise the following points:

### Support

- Great asset to the local area;
- Would add value to and help preserve part of the old railway line;
- Real lack of family friendly venues in Cults with outdoor space and easy access for walkers, runners and cyclists;
- Important to support local community with projects that bring people together;
- Welcome addition to local amenities in Cults;
- Should support local entrepreneurship and creative ideas in local community;
- Great for pedestrians and cyclists using the old railway line;
- New business would be good for the area at this time;
- Perfect location;
- Would bring a new lease of life to an empty building and provide better facilities to the area;
- Would encourage more people to use the Deeside Way for exercise;
- Would create a new business and support the local economy;
- Job creation for the local area;
- Much residential development has taken place in the local area but with a lack of supporting amenity facilities;
- Would provide a venue which is not on a busy pavement or on a road with queuing traffic and fumes – the outdoor area would be safe and clean;
- Local residents would be more inclined to walk or cycle to the venue, rather than travel by car;
- Would benefit both the local and wider community;
- Would encourage sympathetic restoration and repurposing of the former railway station building and provide a use for the building which would serve the local area;
- Possible opportunity for local railway heritage to be displayed;
- Would bring back some local heritage to Cults;
- Location adjacent to the old railway line would help alleviate any anti-social behaviour;
- The area needs more independent businesses rather than national/international franchises;
- Not many of these types of establishments on the Deeside Way and nothing between Duthie Park and Cults providing refreshment and toilet facilities;
- Would enhance the area and improve a run down space;
- Provides a destination that would encourage community spirit, exercise and friendship;

### Neutral

- Good resource provided customers are not affecting access along the Deeside Way;
- Takeaway hatch required so that dog walkers and cyclists can use the facility;
- Benefit could be gained and the ecological value of the green corridor of the Deeside Way supported if native plant species were included in planting;

### Objection

#### Scale/Impact on Area

- Overdevelopment of the site;

- Unacceptable scale & nature of development which does not reflect that of a café, rather a restaurant/bar;
- Wrong location. Site is surrounded by housing and on the edge of a conservation area;
- Would create a facility which is not in-keeping with the conservation area nor the size of the site;
- Would reduce quality of life and amenity in the village of Cults;
- Adverse impact on existing businesses and detrimental economic impact on town centre;
- Would set precedent leading to proliferation of similar applications, including for the business park;
- Ample facilities for refreshment in the surrounding area;
- Surrounding area already experiencing more frequent flooding as a result of overdevelopment on the north side of Cults & more development without improving flood protection would only exacerbate the situation;
- Unacceptable to convert a business premises for hospitality use in an area zoned as residential and commercial;

### Design

- Original features of the building have already been altered with no sensitivity for the original style and history of the site;
- Retention and conversion of the lean-to shed extensions is not appropriate. Unlikely these extensions are habitable, they are not in-keeping with the building heritage and may not have planning permission. The proposed elevations do not correspond with what is expected for a conservation area;
- Parts of the building require substantial modification to meet modern standards of sound protection, thermal insulation, lighting, etc;
- Proposed kitchen layout does not appear appropriate for scale of development;
- Utilising the platform for seating is a significant change from its historic or current use and no fencing is proposed to prevent customers falling onto the railway line;
- Proposed glazing on west elevation would adversely affect existing privacy of existing residential property to west of site, including bedrooms situated to the front of the property. Blanking out windows using etched film is not sufficient to address this concern.

### Traffic/Access/Parking

- TRICS and Swept Path Studies are not fit for purpose, using inaccurate information and models reference, eg Den of Cults is incorrectly referred to as cul-de-sac, a drive-thru coffee shop used as a comparison;
- Local road network is not capable of accommodating the additional traffic. The proposal would see an increase in cars, large vehicles and commercial traffic in the area;
- Station Road is a private road where neighbours pay for the upkeep;
- There are existing road safety issues for cars and pedestrians in the area;
- Pedestrian access is unacceptable with narrow/inadequate pavements and completely inadequate for disabled access;
- Proposal does not include sufficient parking for staff and customers. Scale of development would result in overflow into surrounding streets, affect local residents & exacerbate existing parking issues;
- The majority of proposed car parking spaces are situated in close proximity to a residential property with no barrier which would cause a lot of disturbance. A boundary or wall should be erected to protect privacy and prevent vehicle movement or parking next to the property;
- Increased traffic & parking would impact on safety of families, with children and elderly living in surrounding area;
- The former station platform is a public walkway and has been for many years and should not be used for outdoor seating;

- Would cause congestion on the former railway line during busy periods;
- After the hours of dark, the majority of customers would access the venue via Station Road as the old railway line is not lit;
- Evening customers would likely drive to the venue;
- The proposal only refers to the passive provision of EV charging points when EV charging points are readily available;

#### Natural Environment

- Impact on wildlife & habitat within a conservation area — adverse effect due to increased traffic, noise, light & air pollution;
- The opening up of doors to the platform would lead to public noise nuisance on the railway line;
- Would cause congestion on the Deeside Way during busy periods;
- Importance of retaining quiet outdoor space for wellbeing and residential amenity;
- Would cause significant disruption to wildlife, natural beauty and rural tranquillity of the walkway and surrounding area;
- The applicant has already had heavy machines on site, caused damage to the railway platform and loss of fauna and wildlife, removed community planter and lit bonfires;
- Potential of setting a dangerous precedent by eroding the current status of the railway line as a public green space;
- Bat survey does not appear acceptable with inadequate period of observation;
- Habitats Regulations Assessment has not been carried out;

#### Noise/Amenity

- Noise and Odour Impact Statement – contains insufficient information;
- No clear indication on hours of operation or whether the venue will have an alcohol licence;
- Hours of operation proposed for the café (Monday-Thursday 08:00-23:00 and Friday-Sunday 08:00-23:30) are inappropriate for a quiet street surrounded by residential properties;
- Risk of adverse noise from delivery vehicles;
- Would result in light, noise & odour pollution, all affecting local residents;
- Impact on residents in area due to volume of customers this would attract;
- Noise assessment does not appear to take into account additional traffic or use of play area;
- Licensed premises would encourage noise and litter pollution, parking and traffic congestion and access problems for pedestrians and wheelchair users;
- Potential for anti-social behaviour during and after opening hours;
- The applicant has confirmed the intention of applying for an alcohol licence. The site is totally inappropriate for a licensed premises and would raise concerns with safety, noise disturbance & anti-social behaviour including an increase in drink-driving and drink-cycling;
- Existing litter issues in the area with overflowing bins on the cycle track would increase due to additional visitors and takeaway facility;
- No provision in the current plans for ensuring excess waste and litter are dealt with;
- The council currently empties bins on the Deeside Way once a week;
- Environmentally another takeaway facility is not good practice and if permission were to be granted the owners should supply cups that are 100% recyclable or clientele provide their own;
- Cycle storage and a cycle repair stand are proposed to the west of the building and close to an existing residential property with no consideration for adverse impact from noise and activity;

#### Procedural

- Works already started on site;
- Inappropriate and excessive use of social media to encourage support for the project;

- Significant amount of support from people not living within the area or in the city;
- Neighbour notification was hand delivered to local business units, but due to Covid-19 mail may not be collected so the businesses may not be aware of the development;
- Lack of prior discussion with the local community about the proposal;
- Queries raised whether interested parties will be consulted on the application, ie Neustrans, Historic Scotland, Local Community Council, etc

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

### **National Planning Policy and Guidance**

Scottish Planning Policy (SPP)

### **Aberdeen Local Development Plan (2017)**

Policy H1 (Residential Areas)

Policy NE1 (Green Space Network)

Policy NE3 (Urban Green Space)

Policy NE8 (Natural Heritage)

Policy D1 (Quality Placemaking by Design)

Policy T2 (Managing the Transport Impact of Development)

Policy T3 (Sustainable and Active Travel)

### **Supplementary Guidance and Technical Advice Notes**

Transport and Accessibility

Natural Heritage

### **Proposed Aberdeen Local Development Plan (2020)**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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:

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies are relevant to this proposal:

Policy H1 (Residential Areas)

Policy NE2 (Green and Blue Infrastructure)

Policy NE3 (Our Natural Heritage)  
Policy D1 (Quality Placemaking)  
Policy D2 (Amenity)  
Policy T2 (Sustainable Transport)  
Policy T3 (Parking)

## **EVALUATION**

### **Principle of Development**

The application site is located within a residential area in Cults and is zoned accordingly in the Aberdeen Local Development Plan 2017 (ALDP). Policy H1 (Residential Areas) applies and states that within such areas, proposals for non-residential uses will be refused unless:

1. They are considered complementary to residential use; or
2. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Consideration must therefore be given to the potential impact of the proposed change of use with a view to establishing whether the operation of a café with outdoor seating from the site would be deemed complementary to the existing residential use of the area or whether it can be demonstrated that it would have no adverse impact on existing residential amenity.

In addition to the above residential zoning, the application site incorporates an area of some 295m<sup>2</sup> which lies immediately south of the station building and includes the former station platform. This particular section of the site is zoned as both Green Space Network (Policy NE1) and Urban Green Space (Policy NE3) in the ALDP, whilst also forming part of the Deeside Old Railway Local Nature Conservation Site.

Policy NE8 (Natural Heritage) of the ALDP states that direct and indirect effects on sites protected by natural heritage designations, be they international, national or local, are important considerations in the planning process. Policy NE3 (Urban Green Space) restricts the redevelopment of areas of urban green space for any use other than for recreation and sport, and beyond this applies further general restrictions. Scottish Planning Policy outlines the importance of protecting and enhancing green infrastructure networks in and around cities and Policy NE1 (Green Space Network) supports this by seeking to protect the character and function of such areas and ensuring proposals do not result in their destruction or erosion. These relevant policy implications are discussed in detail below.

### **Residential Amenity**

The proposed use of the site as a café is deemed broadly compatible with the residential zoning of the area, albeit given the context of the site and its location and prominence on the edge of the Deeside Way, it would appear likely that the café would cater for both the local and wider community, with the former railway line serving as a well-recognised and popular route for walkers and cyclists, including commuters. It is considered that the proposed change of use would undoubtedly result in an intensification in the use of the site and with this, the potential to introduce additional noise and disturbance to the area, including in relation to the introduction of outdoor seating, food serving van and play area within the yard which lies to the east of the station building. The proposed café use would introduce cooking activity to the site and with this, the potential for odour issues which may affect the surrounding area. There is therefore the potential for both noise and odour issues to arise as a result of the proposal, both of which could impact on residential amenity. With the foregoing in mind a Noise and Odour Impact Assessment (NOIA) report was submitted in support of the application.

The NOIA report recommends specific measures be implemented in association with the proposed use including appropriate noise and roof insulation, with the rear extension roof being replaced to allow for an acceptable level of insulation to be fitted and the timber frame walls insulated and lined internally, along with the installation of a kitchen extraction system with associated managerial controls for ongoing maintenance and cleaning. The NOIA report 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 8:00 to 20:00 hours and Friday to Saturday from 08:00 to 22:00 hours, with a maximum capacity for the outdoor area of 68 people. 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.

The NOIA report was reviewed by the Council's Environmental Health team and the findings of the report are considered acceptable, with no concerns raised regarding the proposed development, including with regards the resulting impact on neighbouring residential properties, provided the noise and odour mitigation measures detailed within the NOIA and as outlined above are fully implemented to achieve their required effect.

Notwithstanding that the proposed hours of operation were clearly identified and considered as part of the NOIA report and its findings, and this included the likely impact of noise from those customers of the proposed café occupying the outdoor seating area, quite significant concerns have been raised in representations regarding the adverse impact which the extended opening hours would have on existing residential amenity. These concerns include potential noise issues that have been fully considered by Environmental Health officers in their review of the NOIA report, and the findings of that report were deemed acceptable provided specific mitigation measures are implemented as outlined above. Nevertheless, it is acknowledged that the proposal would likely result in some change to the character of the area immediately surrounding the site and this would potentially be more noticeable in the evenings and during hours of darkness, given that under normal circumstances and outwith business hours when the neighbouring business units are not occupied, there would be limited noise or general activity at this southern end of Station Road.

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 the introduction of such an area which would be lit during hours of darkness and where customers could be served until 22:00 hours on a Friday or Saturday, and until 20:00 for the remainder of the week 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. Whilst it is deemed unlikely that any resulting impact on the existing amenity of these properties would be significant, and this is clearly reflected in the findings of the NOIA report which have been fully considered and accepted by Environmental Health officers, on balance it is considered reasonable that the use of the outdoor seating area with its associated lighting be limited to no later than 21:30 on a Friday and Saturday, and 20:00 from Sunday to Thursday, with a condition having been applied to this effect. This will 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.

Concerns have been raised with regards the proposed full height glazing within the two window openings on the western elevation of the rear extension of the station building. The front elevation of the neighbouring property to the west of the application site at No 4 Station Road lies at a distance of 18 metres from that elevation and the concerns raised relate to the potential impact on privacy and potential for overlooking which these windows would introduce. Whilst the proposal has included a 1.5m high light etched film across the full width of both windows with a view to delivering

privacy screening, it is considered that the introduction of full height obscure glazing to these windows would be a more appropriate solution in this instance, thus addressing any potential overlooking issues, and a condition has been applied to this effect.

Taking the above into account it is considered that the proposed change of use to café would suitably complement the residential use of the area and wider neighbourhood, and whilst minor amendments to the proposal concerning the opening hours for the outdoor seating area and window treatment have been deemed appropriate, it is felt that overall the activity associated with a café would not have an unacceptable effect 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. With this in mind it is considered that the proposed change of use would suitably address the requirements of Policy H1 (Residential Areas) of the ALDP.

### **Impact on Natural Environment**

As previously highlighted a section of the site immediately south of the former station building and which incorporates the station platform lies outwith the residential allocation and is zoned as Urban Green Space (Policy NE3), whilst also forming part of the Green Space Network (Policy NE1) and the Deeside Old Railway Local Nature Conservation Site (LNCS). In this area of the site the proposal would see the introduction of hard and soft landscaping to include stone paving which would extend along the front of the building and provide a formal access link to the two main customer entrance/exit points whilst also accommodating an informal seating area. The proposal also includes the formation of a new footpath which would connect the outdoor seating in the yard with the main entrance to the building, the retention of an existing informal footpath and landscaping in the form of tree planting, with a mix of native species, shrub beds, hedging and wildflower and grass beds.

The proposal has been assessed from a natural heritage perspective by colleagues in Environmental Policy who had previously been involved in pre-application discussion on the proposed change of use with a representative of the applicant. The relationship of the site within the LNCS had been raised during the pre-application discussions, including the importance of minimal impact on the vegetated strip along the platform, however this area had been cleared prior to the planning application being submitted. In considering this planning application a number of concerns were raised by Environmental Policy colleagues with regards the works which had been carried out and the potential impact which this may have had on the natural environment. It was also noted that work outwith the footprint of the former station building and yard and within the platform area had started prior to any consultation with the land managers of the Deeside Way (ACC Environmental Services/Corporate Landlord). As a result of there having been no appropriate survey work undertaken prior to the clearing of the platform and subsequent submission of the planning application, Environmental Policy colleagues advised there was no baseline for a habitats survey.

The Environmental Policy team provided initial comment on the proposed change of use, including on a bat survey submitted in support of the application. They did note that the survey work had been undertaken outwith the recommended season for bat activity surveys, with the Council's Supplementary Guidance on Natural Heritage advising the best time as being between mid May to mid August. The survey confirmed the Deeside Way as a commuting/foraging route for bats, and whilst the findings for the building roost potential were deemed satisfactory, it was considered that there was some risk of the activity element of the survey being unreliable due to the timing, despite the environmental conditions during the surveys. Overall, the findings of the bat survey were deemed acceptable by the Environmental Policy team who advised that appropriate mitigation should take place in the form of pre-work checks and the presence of an ecological clerk of works or consultant on site during construction work, thus ensuring no impact on bats during works to the building, and this is addressed by means of an advisory.

It was established that the main potential impact on bats from the proposed development would result from lighting as the Deeside Way is currently unlit. A lighting report submitted in support of the application was considered by the Environmental Policy team and deemed acceptable. It addressed concerns relating to the potential impact on wildlife and proposed suitable lighting options and measures to mitigate light spill across the site and beyond, through the use of downlighting on the building and fencing, the use of sliding doors and blinds for the windows and the introduction of natural and built physical screening in the form of fencing, tree and shrub planting, in accordance with the Institution of Lighting Professionals/Bat Conservation Trust (ILP/BCT) guidance on artificial lighting.

In assessing the proposal the Environmental Policy team advised that full consideration needed to be given to the LNCS designation both in terms of landscaping and access for the site, and a full landscaping plan with maintenance scheme to provide suitable biodiversity enhancements was requested. It was highlighted that there was a clear opportunity for the landscaping to provide enhancements for both insects and pollinators. It was also noted that any boundary treatment should be raised off the ground or provide gaps to allow movement of small mammals through the habitat corridor. A detailed Natural Heritage and Landscaping report with Landscaping and Maintenance Plan was subsequently submitted in support of the application and fully assessed by the Environmental Policy team who confirmed they were satisfied with the detail and information provided. The proposed landscaping plan includes areas of hard and soft landscaping along the former platform with a stone paved area to accommodate an area of informal seating to the front (south) of the building and extending beyond this to serve as a footpath link with the existing public footpaths to the east and west of the site which already serve as access points for the Deeside Way. Landscaping of the site includes tree planting, with a mix of native species, shrub beds, hedging and wildflower and grass beds, all of which is acknowledged as a welcome feature.

The proposed use of the former station platform to provide the main access to the proposed café and deliver an informal outdoor seating area with access links to the Deeside Way does not in itself provide a recreational facility in terms of addressing the expectations of Policy NE3 (Urban Green Space) of the ALDP. However, given the proximity and current relationship of the platform to the Deeside Way, and with public access along the length of the platform being maintained, the proposed use would undoubtedly serve to support the existing recreational use of the former railway line, with no significant limitations in the continued use of the platform as part of the wider green space. In assessing the proposal against the requirements of Policy NE3 there are further general criteria to be considered. This includes that the development of such space should not result in significant loss to the landscape character and amenity of the site and adjoining area; that public access should be either maintained or enhanced; that the site is of no significant wildlife or heritage value; there is no loss of established trees; that replacement green space of similar or better quality is located in or immediately adjacent to the same community; and that the proposal would not result in any adverse impact on watercourses or wetlands.

In this regard, it is noted that there would be no loss of trees or mature landscape features as a result of the proposal, nor would it impact on watercourses or wetlands. The proposed development of the platform would not see the introduction of any formal enclosure or physical barriers to this part of the site, and an existing unsurfaced path extending close to the edge of the platform which appears to be in use by those accessing this section of the Deeside Way would be retained, therefore public access would be maintained, and there would be no direct loss of the existing space. It has already been established that (with clearing works having taken place across the platform) any particular landscape character and wildlife value of this part of the site that may have existed has likely been lost. However, as outlined above the Environmental Policy team considers the landscaping plan submitted in support of the application to be acceptable and capable of delivering a new habitat which would be of value to wildlife and compensate for any loss due to clearance of the platform area. The EP Team recognises that the proposal has incorporated, as requested, a suitable level of biodiversity enhancement in support of the area of site zoned as Urban Green

Space and forming part of the Deeside Old Railway Local Nature Conservation Site (LNCS).

It is accepted that as a result of the change of use of the former station platform the general character of this part of the site would change. However, this area of land had become overgrown over recent years, and therefore its value and general contribution to the character of the LNCS and green space in general appeared somewhat limited as a result. Furthermore, in the context of the Deeside Way which runs some 12 km within the city boundary and to 66 km in total this proposal would directly affect an area of land which extends to no more than 67 metres in length.

The proposed change of use would see a more formal landscape established within the area of the former platform, but this would include the retention and upgrading of access arrangements and improved biodiversity through the introduction of planting with native species and wildflower grass beds, acknowledged as a welcome feature of the proposal by the Environmental Policy team. So whilst accepting that the character of this area of the site would change as a result of the proposal, it would not be destroyed and the changes which are being proposed could not reasonably be deemed as significant. On the basis that the proposed change of use would arguably deliver an improvement in the quality of the existing space, including in terms of improved access, the proposal would ultimately support and bring greater value to the recreational use of the Deeside Way. The function of the green space network, urban green space and Deeside Old Railway Local Nature Conservation Site (LNCS) would not be diminished as a result of the proposal, rather a higher quality amenity would be delivered.

Taking all of the above into account it is considered that the proposal addresses the requirements of Policy NE1 (Green Space Network) and is deemed suitably compliant with the expectations of Policy NE3 (Urban Green Space) and Policy NE8 (Natural Heritage) of the ALDP.

## **Design**

Policy D1 (Quality Placemaking by Design) of the ALDP requires all development to ensure high standards of design and to have a strong and distinctive sense of place as a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. It is acknowledged that not all development will be of a scale that makes a significant placemaking impact, but that good design and detail does add to the attractiveness of the built environment.

The proposal would see the refurbishment of the former Cults Railway Station building, which comprises the original building dating from the late 1800's which fronts south onto the Deeside Way, and the more recent flat roof extensions to the rear (north) and west. It is fully acknowledged that the traditional character and finish of the original station building in particular, including vertical and horizontal timber cladding and a slated roof, are important features which reflect the history of the site and these are clearly worthy of retention. It is also of relevance that the physical works which are being proposed in this instance are not considered to be extensive. Whilst concerns have been raised regarding the impact which the proposal would have on the original features of the building and the lack of sensitivity to its history and style, it should be noted at this stage that the building is neither listed, nor is it located within a Conservation Area.

The proposed refurbishment of the building includes the repair/replacement of the existing timber cladding to match that of the existing station building, whilst also incorporating a number of interventions to better support the servicing/operation of the building and ensure the building is suitably insulated. Bearing in mind the most recent long-term use of the site as a joinery workshop, there are aspects of the building, including the rear extensions, which will require upgrading to address current standards, and appropriate measures have been identified for example in terms of wall and roof insulation within the Noise and Odour Impact Assessment report submitted in support of the application. The proposed development works would include the introduction of 2 timber framed glazed double doors to the south elevation, forming the main customer entrance to the café via the existing platform, the formation of 3 new timber door openings to the remaining elevations,

the introduction of full height aluminium framed windows on both east and west elevations of the building, and replacement of the roof of the rear extension with a steel profile roof incorporating 3 rooflights.

Taking into account the overall design, detail and finish of the proposed works associated with the refurbishment of the former station building it has been demonstrated that there is a clear understanding and recognition of its context and original character. As a result of the proposed refurbishment and external alterations it is considered that the design features and overall character of the building would be preserved, and its proposed adaptation and upgrading would not only provide a visual improvement to the surrounding area but also support the delivery of sustainable development in terms of retaining the building in the long-term through the introduction of an alternative use. Taking all of the above into account, it is considered that the proposal suitably addresses the requirements of Policy D1 (Quality Placemaking by Design) of the ALDP.

### **Transport and Accessibility**

The Roads DM team reviewed the proposal, fully considering the Technical Note on Access & Parking with TRICS and Swept Path Analysis submitted in support of the application and provided comment including in terms of access, parking, servicing and impact on the local roads network.

#### Access

The Roads DM team considered the proposed change of use in the context of the application site. They took into account that the site is readily accessible by foot or cycle from the Deeside Way, and anticipated that a significant number of trips would stem from what is a well-used shared path. Concerns have been raised regarding pedestrian access to the site via Station Road and the safety issues resulting from the inadequacy of existing pavements. The Roads DM team acknowledged that the existing pedestrian and cycle access via Station Road is below current standards and accepted that there is limited scope for improvements because of physical constraints. With this in mind a number of improvements have been identified in consultation with the Transport Strategy and Traffic Management teams, including the introduction of dropped kerbs along Station Road for pedestrian crossing, signage to the road indicating "Pedestrians in road ahead", "Slow" markings on road bends, the upgrading of a section of footway on the west of Station Road (between house No's 2 and 4) to an adoptable standard, and a change in surface material to the south of the upgraded footway to clearly identify and delineate the crossing point/pedestrian route. The Roads DM team are satisfied that through the delivery of such road/footway improvements, concerns regarding pedestrian/cycle access to the site via Station Road have been suitably addressed, including improvements for those who may be seeking to access the site by public transport, with bus stops located less than 200m from the site on North Deeside Road. A suitable condition to deliver these improvements should be attached to any planning approval.

#### Impact on the road network

In their consideration of the Technical Note on Access & Parking the Roads DM team acknowledged that the available TRICS software does not provide adequate information on cafes, and accepted that the comparison of the proposed use of the site with that of a restaurant and pub/restaurant rather than with a drive-thru coffee shop is appropriate in the absence of more meaningful data. With this in mind, they noted that it had been established that between 14 and 30 vehicles could be expected in the peak hour for the site, with significantly less traffic expected at other times.

Following on from this and due to the aforementioned level of traffic generation expected to result from the proposed change of use, and having taken into account that the proposal relates to a brownfield site, the Roads DM team considered that the introduction of any additional road/footway improvements beyond those outlined above would be overly onerous and would be neither necessary nor appropriate in terms of the proposed change of use application for the site. They found that the Technical Note suitably demonstrated that trip generation associated with the proposed development could be accommodated across the local road network and would not result

in an adverse impact on any road junction that would warrant mitigation works to increase capacity on the road network.

Notwithstanding the above, the Roads DM team did identify further measures which could be implemented retrospectively by the Traffic Management team, in the event that these be deemed necessary in the future, such as the expansion of double yellow lines, or the introduction of speed bumps to enforce speed reduction, but stated that the introduction of such measures would be premature at this stage on the basis that they would not currently be warranted and would disproportionately affect existing residents.

### Parking

The Roads DM team confirmed they were satisfied with the cycle and vehicle parking allocation for the site. No concerns were raised with the level of vehicle parking as proposed, noting that the allocation of 19 spaces, which includes 3 no spaces identified for disabled use was only 1 space short of the maximum of 20 spaces applicable under the Council's Transport and Accessibility SG, and this shortfall of 1 space was deemed acceptable given the accessibility of the site by a range of more sustainable modes of travel. It was noted that 2 no passive EV charging spaces have been included within the total of the 19 parking spaces, and this provision was deemed to be in line with relevant standards and Council guidance.

The Roads DM team advised that the proposal would require 6 cycle parking spaces. An overprovision in the form of 40 cycle parking spaces is proposed and this has been welcomed given the location of the site, with an appropriate provision of both short stay and covered long stay secure spaces, for customers and staff use. A cycle repair stand has been included within the proposal and is noted as a welcome addition to the site.

The Roads DM team advised that a staff travel plan should be produced, highlighting the accessibility of the site in terms of walking, cycling, and via public transport, with a view to encouraging staff to travel to work by means other than private car. A condition is recommended which would require prior approval of the plan by ACC and that it be introduced prior to the café opening.

Taking all of the above into account the proposal is deemed suitably compliant with the requirements of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) of the ALDP, along with the associated 'Transport and Accessibility' Supplementary Guidance.

### **Other Considerations**

The Roads DM Team noted that drainage information was not included as part of the submission, and advised that this raised no concerns on the basis that the proposed change of use relates to a brownfield site with no material change which would affect existing site drainage.

The Council's Waste Strategy Team has raised no objection to the proposal and has noted that a commercial waste collection service may be provided by commercial contractors, rather than the Council. A secure waste bin store is proposed to the rear of the building and adequate space is available for waste collection within the application site. A condition has been applied which requires the submission of a waste management plan to include detail on arrangements for dealing with customer waste during hours of operation.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given. Whilst Policy D2

(Amenity) is a new policy which seeks to ensure that buildings are 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, in this respect, and as previously outlined, it is considered that the proposal would not have an unacceptable adverse impact on the amenity of neighbouring properties.

### **Matters arising from Community Council objection**

Matters raised in the objection from the Cults, Bieldside and Milltimber Community Council are largely addressed in the evaluation above. Those matters which remain outstanding are addressed below:

- *Voice regret that the Community Council were not invited to be involved in discussions at an earlier stage as the community viewpoint could earlier as we could have contributed a community viewpoint as to how a suitable proposal could be developed.* There is no statutory requirement for pre-application discussion to have taken place in this instance.
- *Highlight that the large number of submissions from a wide area supporting the proposed change of use to café beside the Deeside Way are without comment on the detail of the application.* This is not a material planning consideration.
- *Highlight that the proposed plans suggest the total seating could be over 250 with much of this outdoors, with this indicating catering on a much larger scale than a “café” and similar to what is provided by the Cults Hotel.* The resulting scale of development has been considered as part of the overall evaluation of the application, and this has included consideration of all relevant plans including the proposed site plan, ground floor plan and indicative seating arrangements.
- *Raise concerns that the amount of seating proposed combined with long evening opening hours and availability of alcohol could lead to unacceptable noise disturbance as well as traffic generation and parking issues.* The impact of the proposed change of use has been fully considered in terms of noise, traffic generation and parking, including by Environmental Health and Roads DM officers, as detailed in the foregoing evaluation, and subject to appropriate conditions, no objections were raised by either service.

### **Matters raised in letters of objection**

The majority of matters raised in letters of objection as summarised at the start of this Committee Report have been addressed in the evaluation above. Those matters which remain outstanding are addressed as follows:

- *Adverse impact on existing businesses and detrimental economic impact on town centre;* This is not a material planning consideration.
- *Would set precedent leading to proliferation of similar applications, including for the business park;* Each application is determined on their own merits
- *Ample facilities for refreshment in the surrounding area;* This is not a material planning consideration.
- *Unacceptable to convert a business premises for hospitality use in an area zoned as residential and commercial;* The impact of the proposed development on existing amenity has been considered as part of the evaluation of the application.
- *Retention and conversion of the lean-to shed extensions is not appropriate. Unlikely these extensions are habitable.* Current building regulation requirements would need to be satisfied as part of any proposed refurbishment of the building.
- *Parts of the building require substantial modification to meet modern standards of sound protection, thermal insulation, lighting, etc;* The application has provided sufficient detail on the proposed alterations to the building and these have been fully considered. As highlighted above, building regulation requirements would need to be satisfied regarding refurbishment works to the building.
- *Proposed kitchen layout does not appear appropriate for scale of development;* This is not a

material planning consideration. The planning authority has no reason to doubt the extent of kitchen facility being proposed does not meet the applicants' requirements.

- *TRICS and Swept Path Studies are not fit for purpose, using inaccurate information and models reference, eg Den of Cults is incorrectly referred to as cul-de-sac, a drive-thru coffee shop used as a comparison;* Officers in Roads Development Management have assessed the application and were satisfied with the findings of the Technical Note on Access & Parking which included TRICS and Swept Path Analysis
  - *The majority of proposed car parking spaces are situated in close proximity to a residential property with no barrier which would cause a lot of disturbance. A boundary or wall should be erected to protect privacy and prevent vehicle movement or parking next to the property;* The proposed parking layout has been fully considered by the Roads DM team who raised no concerns with the proposal. A separation distance of no less than 10m would remain between the western edge of the area allocated for 3 disabled parking spaces and the boundary of the property at No 4 Station Road. This relationship of car parking to No 4 Station Road is no different from the existing situation with vehicles currently parking in this location and over many years previously when the property operated as a joinery business. The Roads DM team raised no concerns with regards potential disturbance of vehicles accessing/exiting from the parking spaces as proposed.
  - *Habitats Regulations Assessment has not been carried out;* There was no requirement for such an assessment.
  - *Noise and Odour Impact Assessment – contains insufficient information;* Environmental Health officers considered the content and findings of the Noise and Odour Impact Assessment, and these were deemed to be acceptable.
  - *Potential for anti-social behaviour during and after opening hours;* Any anti-social behaviour would be controlled via separate legislation and is not a material planning consideration.
  - *The applicant has confirmed the intention of applying for an alcohol licence. The site is totally inappropriate for a licensed premises and would raise concerns with safety, noise disturbance & anti-social behaviour including an increase in drink-driving and drink-cycling;* The sale of alcohol would be dependent on the premises being licensed, and this is part of a separate legislative process to that of planning.
  - *No provision in the current plans for ensuring excess waste and litter are dealt with;* A condition has been applied which requires submission and approval of a waste management plan for the site prior to operation.
  - *Environmentally another takeaway facility in the area is not good practice;* Neither planning policy or supplementary guidance restricts the type of use being proposed within an area.
  - *Works already started on site;* Enforcement officers were made aware of works taking place on site and, having visited the site, established that these works fell within the remit of permitted development.
  - *Inappropriate and excessive use of social media to encourage support for the project;* This is not a material consideration.
  - *Significant amount of support from people not living within the area or in the city;* This is not a material consideration.
  - *Neighbour notification was hand delivered to local business units, but due to Covid-19 mail may not be collected so the businesses may not be aware of the development;* Neighbour notification has been completed to the satisfaction of the planning authority.
  - *Lack of prior discussion with the local community about the proposal;* There is no statutory requirement for such a proposal to be discussed with the local community prior to submission of a formal planning application.
  - *Queries raised whether interested parties will be consulted on the application, ie Nestrans, Historic Scotland, Local Community Council, etc.* All statutory consultees were consulted on the current application as required.
-

## **RECOMMENDATION**

Approve Conditionally

## **REASON FOR RECOMMENDATION**

Subject to a number of appropriate conditions the proposal is deemed suitably accessible by a range of means and well placed to support sustainable travel. An acceptable level of on-site car and cycle parking has been proposed, and it is considered that the local road network is capable of accommodating the trips generated. The application is considered to accord with the aims of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) of the ALDP, and the associated 'Transport and Accessibility' Supplementary Guidance.

The proposed change of use to café would suitably complement the residential use of the area and wider neighbourhood. Subject to some amendment to the proposal, including in relation to the opening hours for the outdoor seating area, the introduction of obscure glazing to the west elevation of the building, and appropriate mitigation measures to address noise and odour matters, it is felt that, overall, the activity associated with a café would not have an unacceptable effect 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. With this in mind it is considered that the proposed change of use would suitably address the requirements of Policy H1 (Residential Areas) of the ALDP.

The proposal would see a more formal landscape established within the area of the former platform and it is accepted that the character of this area of the site would change as a result of the proposed development. The introduction of native tree and shrub planting and wildflower grass beds in this area would, however, deliver an appropriate and suitably sensitive level of landscaping and improved biodiversity. The proposal would see some improved accessibility across this area of the site whilst retaining existing access routes, thereby ensuring its role within the context of the green space network and urban green space is secured. The proposal is considered to deliver a higher quality amenity which would support the continued function of the green space network and urban green space and as a result enhance the recreational value of the Deeside Way, whilst having no detrimental effect on the urban green space or Deeside Old Railway Local Nature Conservation Site (LNCS). Taking all of the above into account it is considered that the proposal accords with the requirements of Policy NE1 (Green Space Network) and is deemed suitably compliant with Policy NE3 (Urban Green Space) and Policy NE8 (Natural Heritage) of the ALDP.

The development works associated with the proposed change of use have been designed with due consideration for the context of the site and demonstrate a clear understanding of the original character and design features of the former station building. The proposal, including the refurbishment and external alterations to the building, would support the delivery of sustainable development through the long-term retention of the building and introduction of an alternative use, thereby ensuring a positive contribution towards the character and appearance of the surrounding area, all in accordance with Policy D1 (Quality Placemaking by Design).

The majority of the policies in the Proposed Aberdeen Local Development Plan (PALDP) 2020 reflect those of the adopted Local Development Plan with which the proposal is in accordance for the reasons noted above. The PALDP does introduce Policy D2 (Amenity), and whilst there is no direct equivalent in the adopted ALDP, the proposal introduces no tension with the requirements of Policy D2. There are no material planning considerations that would warrant the refusal of consent in this instance.

## **CONDITIONS**

### **1. NOISE & ODOUR MITIGATION**

That the use hereby approved shall not take place unless all mitigation measures recommended in the approved Noise & Odour Impact Assessment (Reference: Proposal Number 151120b, Revision 2, Date 22-01-21) have been implemented in full. These must include:

1. The noise insulation measures detailed within section 3.6 and the related Appendix C – ‘Wall and Roof Construction Detail’
2. The noise and odour control measures detailed within section 6.2 and the related Appendix A (A4 to A5) – ‘Kitchen Extraction System Details’
3. That the outdoor customer seating areas as identified on approved drawing Site Plan 1008 – 1010 Rev C shall have a maximum capacity of 68 people as detailed within section 4.11 of the approved Noise & Odour Impact Assessment (Reference: Proposal Number 151120b, Revision 2, Date 22-01-21), and at no time shall that capacity be exceeded

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 associated to the proposed use.

### **2. OPERATIONAL HOURS**

That the use hereby approved shall not operate outwith the hours of Sunday to Thursday from 08:00 to 23:00 hours and Friday to Saturday from 08:00 to 23:30 hours for the internal space, and outwith the hours of Sunday to Thursday from 8:00 to 20:00 hours and Friday to Saturday from 08:00 to 21:30 hours for the outdoor space.

Reason: In order to preserve the amenity of neighbouring properties.

### **3. WASTE MANAGEMENT**

That the use hereby approved shall not take place unless a 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, and the approved 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.

### **4. ELECTRIC VEHICLE CHARGING POINTS**

That prior to development commencing on site, details of the type of electric vehicle charging station to be installed in association with the 2 EV car parking spaces identified on approved drawing Site Plan 1008 – 1010 Rev C have been submitted to and approved in writing by the planning authority, and thereafter the charging station is installed in accordance with the agreed detail prior to the use hereby approved commencing.

Reason: In order to encourage the use of electric vehicles.

### **5. BUS STOP UPGRADE**

That the use hereby approved shall not take place unless works for the upgrading of the

westbound bus stop nearest to the site on North Deeside Road as detailed on approved drawing no 140788/SK1002 Rev B (Fairhurst), or such other drawing 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.

Reason: In order to upgrade the existing sub-standard bus stop to an acceptable standard and encourage the use of public transport as a sustainable mode of travel.

## **6. PEDESTRIAN/VEHICLE ACCESS UPGRADES**

That the use hereby approved shall not take place unless works for the upgrading of the pedestrian and vehicle access to the site along Station Road as detailed on approved drawings no 140788/SK1002 Rev B (Fairhurst) and 1008-1011 Rev A, 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.

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.

## **7. CAR PARKING**

That the use hereby approved shall not take place unless all car parking has been constructed, drained, laid-out and demarcated and is available for use in accordance with approved drawing Site Plan 1008 – 1010 Rev C, 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.

## **8. CYCLE PARKING**

That the use hereby approved shall not take place unless full details of all cycle parking facilities indicated on approved drawing Site Plan 1008 – 1010 Rev C have been submitted to and agreed in writing by the Council as planning authority and thereafter constructed and available for use in full accordance with such approved details.

Reason: In order to encourage cycling as an alternative and sustainable mode of travel.

## **9. STAFF TRAVEL PLAN**

That the use hereby approved shall not take place 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.

## **10. EXTERNAL LIGHTING**

That no development shall take place unless full details of all new external lighting proposed for the site has been submitted to and approved in writing by the planning authority. Thereafter the external lighting shall be implemented in accordance with the approved details.

Reason – to ensure that the site would be adequately lit at night in the interest of safety, and without detriment to the amenity of any existing or proposed residential properties.

## **11. LANDSCAPING SCHEME**

All landscaping shall be carried out in accordance with the approved scheme (as shown on approved drawing Ref No CRS-2106-LS, dated 25.6.21) 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.

The use shall not take place unless the management and maintenance of the landscaping as shown on approved drawing Ref No CRS-2106-LS, dated 25.6.21, is being implemented.

Reason: To ensure a satisfactory scheme of landscaping which integrates with the proposed development and local landscape in the interests of the visual amenity of the area.

## **12. GLAZING**

That the use hereby approved shall not take place unless the full height windows on the west elevation of the property are fitted with full height obscure glazing, at a minimum obscuration rating of 3.

Reason: In the interests of protecting the privacy of neighbouring properties.

## **ADVISORY NOTES FOR APPLICANT**

### **1. 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.

### **2. 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.

### **3. 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.

### **4. 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.