

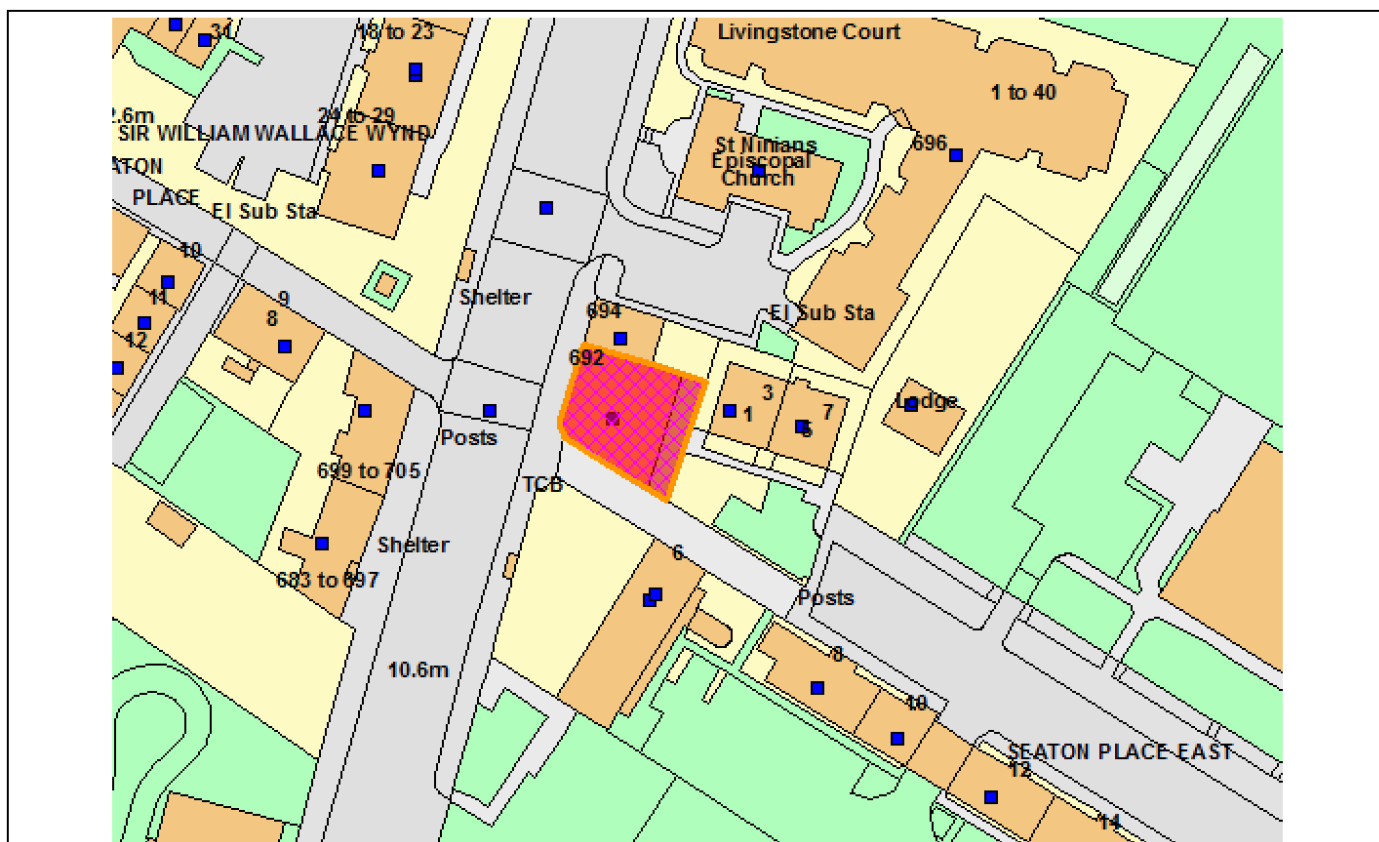


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 17th March 2022

Site Address:	690-692 King Street, Aberdeen, AB24 1SJ
Application Description:	Change of use from public house (sui generis) to 2no. hot food takeaways (sui generis); Installation of extract flues; formation of entrance door and alterations to a shop front with associated works
Application Ref:	220097/DPP
Application Type	Detailed Planning Permission
Application Date:	26 January 2022
Applicant:	Praedium Group Ltd
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Seaton and Linksfield
Case Officer:	Jemma Tasker



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RECOMMENDATION

Approve Conditionally.

APPLICATION BACKGROUND

Site Description

The application site relates to a single storey building of traditional construction with granite walls and a slate roof, with a small external area to the rear, but no parking provision. The premises were last in use as a pub (Sui Generis use); however, it became vacant between late 2015 and 2016. The site fronts onto and is accessed from King Street, the main thoroughfare to the city centre from the north. The building adjoins 694 King Street to the north, which is a one-and-a-half storey residential property. To the east is a block of four flats with associated car parking, accessed via Seaton Place East, and to the north east lies further residential flats at Livingstone Court, St Ninian's Episcopal Church and their associated parking. To the south is a c.40m long lane connecting Seaton Place East to King Street, which is stopped up using bollards prohibiting any vehicular access. There is a mixture of building ages, styles and forms in the surrounding area.

Relevant Planning History

Application Number	Proposal	Decision Date
130944	Detailed planning permission to demolish existing building and construct new respite care home	24.12.2014 Status: Refused.
040410	Detailed planning permission for the erection of 4 flats, car parking and external works	22.07.2004 Status: Approved Conditionally.
010335	Detailed planning permission for the erection of 4 residential flats and associated car parking/open space	12.06.2003 Status: Approved Conditionally.
962041	Detailed planning permission for the erection of wooden fence to rear of building	18.12.1996 Status: Approved Unconditionally.
850886	Detailed planning permission for alterations to and the erection of an extension to the public house known as the Seaton Arms	13.06.1985 Status: Approved Conditionally.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for a change of use from a public house (sui generis) to two hot food takeaways (sui generis). The existing entrances to the premises via King Street would be retained and reused. The property would be divided in two with the use of partition walls and would accommodate kitchens/servery's, back of house areas including stores and WC's and both would have customer waiting areas. In terms of external alterations, to the front of the building, two new entrance doors and three enlarged windows would be installed, framed in dark grey aluminium. While to the rear, part of the ground level would be reduced, with a new door opening formed and two galvanised metal flues would be installed.

Amendments

The application has been amended since original submission at the request of the Planning Authority in that cycle storage to the rear is now proposed to be covered, with each site providing four cycle parking spaces.

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=R6BAHOBZK0H00>

- Supporting Letter by Neil Rothnie Architecture (January, 2022)
- Noise Impact Assessment by Couper Acoustics (December, 2021)
- Odour Impact Assessment by Couper Acoustics (January, 2022)

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 5 timeous objections from the public have been received and thus, the application falls out with the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Environmental Health – has reviewed the submitted Noise and Odour Impact Assessments and advises that, subject to conditions ensuring the mitigation measures outlined in each report is undertaken, the Service has no objection. The Service also request that an advisory be attached to ensure that the applicant prepares a written Odour Management Plan.

ACC - Roads Development Management Team – No objection. Noted and accepted that no parking is proposed. Following the submission of amended drawings relating to cycle storage and additional information relating to parking and waste storage, this Service has advised it has no concerns.

ACC - Waste and Recycling – No objection and notes general comments for business premises.

Seaton and Linkfield Community Council – No comments received.

REPRESENTATIONS

17 representations have been received, all objecting to the development. The matters raised can be summarised as follows:

1. Concerns regarding the added traffic the development would bring to the private car parks at Livingstone Court and flats 1-7 Seaton Place East.
2. Concerns regarding parked cars on King Street, causing disruption to other road users.
3. Concerns regarding where delivery drivers would congregate and park their cars, bikes and electric bikes.
4. Concerns regarding litter outside the premises, attracting seagulls and vermin.
5. Concerns regarding noise from customers late at night.
6. Anti-social behaviour outside the takeaways late at night will leave residents of Livingstone Court feeling insecure.
7. Concerns regarding smell and smoke from the ventilation flues.
8. There are already at least six takeaways within the area and no more are required.

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.

Development Plan

Strategic Development Plan

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

Aberdeen Local Development Plan 2017

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

Policy H1 – Residential Areas

Policy D1 – Quality Placemaking by Design

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Policy T5 – Noise

Policy R6 – Waste Management Requirements for New Development

Supplementary Guidance (SG)

Transport and Accessibility

Harmony of Uses

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. 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:

Policy H1 – Residential Areas

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy R5 – Waste Management Requirements in New Development

Policy T2 – Sustainable Transport

Policy T3 – Parking

Policy WB3 – Noise

EVALUATION

Principle of Development

The application site lies within a residential area as zoned in the Aberdeen Local Development Plan (ALDP). Policy H1 (Residential Areas) of the ALDP states:

Within existing residential 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.*

The Council's Harmony of Uses SG identifies hot food shops as one of a number of uses that 'can raise sensitive amenity issues for neighbouring properties and land uses due to the adverse effect of noise, smell and litter.'

It is thus considered that although the proposed hot food takeaways would provide a service for residents in the surrounding area, the use itself does not complement the existing residential use. Thus, the proposed development does not comply with criterion 1 of Policy H1 as set out above. The proposal therefore requires to be assessed against criterion 2, which will be considered below.

Impact on Residential Amenity

The Harmony of Uses SG states:

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

Noise and vibrations generated from cooking and essential extraction equipment in hot food shops [...] along with increased levels of customer movement, can cause disturbance to residents.

It is not usually considered acceptable to locate a hot food shop [...] directly adjacent or beneath residential properties.

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

The above aspects of the proposed hot food takeaways that could cause harm to residential amenity can each be assessed in turn as follows:

Noise & Opening Hours

The applicant submitted a Noise Impact Assessment (NIA) which has been reviewed by the Council's Environmental Health Service. The NIA finds that, subject to appropriate mitigation measures, the proposed hot food takeaways would not have a detrimental impact on the amenity of any neighbouring residential properties. As such, the Environmental Health Service accepts the findings of the NIA and do not object to the proposed development, subject to conditions requiring the recommended mitigation measures being implemented prior to the use commencing, and those measures being retained in perpetuity for the lifetime of the use. The proposed development is thus acceptable in accordance with Policy T5 (Noise) of the ALDP.

In addition to noise from within the premises from kitchen equipment, staff and customers, it is noted that the off-site consumption nature of hot food takeaways can see a high frequency of customer arrivals and departures, particularly during peak periods (typically in early evenings). It is not considered, however, that noise levels from customer activity would be significant and it is also pertinent to note that although the site lies within a residential area as zoned in the ALDP Proposals Map, the use of the premises is currently established as a public house. Thus, the existing use, in itself, would likely cause similar levels of activity in terms of noise, which would perhaps extend later into the night. Furthermore, although there are residential properties around the site – of particular relevance are those to the north, north-east and west – King Street displays a mixture of uses which includes a fuel station and other takeaways just to the south of the site. In this respect, the area could be argued to be more mixed-use in nature than that of a typical, wholly residential street. In addition, due to King Street being a main thoroughfare, it carries a higher volume of vehicular traffic, with the associated noise arising therefrom, than a typical residential street. Therefore, taking account of the existing use of the site and acknowledging the presence of different uses in the surrounding area, it is considered that any noise from customer activity would not have any significant detrimental impact on the surrounding area.

Nevertheless, it is acknowledged that the activity generated by the regular arrival and departure of customers has the potential to impact the amenity of neighbouring properties especially if the takeaways were to be operational during late evening and early morning hours, which are generally more sensitive hours in terms of residential amenity. Thus, it is considered necessary and appropriate to attach a condition to any granting of consent for the change of use, restricting the operational hours of the takeaways to between the hours of 11am and 10pm Sunday-Thursday, and 11am to 10.30pm Friday and Saturday. Such a condition would thus ensure that there would be no activity during the more sensitive night-time period. It is considered that the activity associated to the new use during the permitted opening hours would not have any undue impact on residential amenity.

Vibration

It is considered that vibration from cooking equipment is unlikely to be an issue. The kitchen areas and all cooking ventilation extraction equipment would be sited within and atop the building, which due to its single storey nature, has no residential properties above. It is thus considered that, subject to the implementation of the mitigation measures recommended in the NIA, there would be no undue impact on residential amenity.

Odour

The applicant's Odour Impact Assessment acknowledges that the proposed hot food takeaway use would, without any mitigation measures, result in a detrimental impact on the amenity of neighbouring residential properties as a result of cooking odours.

As a result, the Odour Impact Assessment recommends a number of mitigation measures including specific elements to be incorporated into the ventilation system. The findings and recommended mitigation measures of the Odour Impact Assessment have been accepted by the Council's Environmental Health Service, who are satisfied that, subject to a suspensive condition requiring the implementation of the mitigation measures, the proposed change of use would not have a detrimental impact on the amenity of any neighbouring uses.

Traffic disturbance

With regard to traffic and road safety issues, the Harmony of Uses SG states:

'Hot food shops tend to attract a high proportion of car users and short stay customers. Increased noise and traffic disturbance from vehicles can be a nuisance for adjacent land uses.

Often, in the vicinity of hot food shops, there is an increased occurrence of obstructed parking and interruption to the flow of traffic adjacent to these premises due to inconsiderate parking. Insufficient parking facilities can also have an adverse impact on the amenity of the immediate and surrounding area.

The impact of a proposal on the safety of pedestrians and road users will be considered with regard to:

- *The existing use of the site;*
- *Existing traffic conditions;*
- *The accessibility of the site by public transport, walking and cycling;*
- *The availability of public parking provision in close proximity to the premises;*
- *Proximity of proposal to lighting junctions, pelican crossings and bus stops;*
- *The availability of safe and legal loading areas in close proximity; and*
- *The implications for the amenity of the surrounding area.'*

The application site is located within a residential area to the north of the city centre. Although there appears to be a mixture of uses along King Street, the area as a whole it is considered residential and thus, there is a vast number of residential properties within walking and cycling distance of the premises. The premises also lie within very close proximity of bus stops on either side of King Street, used by several bus routes serving the city. As a result, it is anticipated that a proportion of customers could travel to the takeaways to collect food either on foot or by bike, with the option of accessing the site on public transport also available. The site is therefore considered to be suitably located such that it could be accessed by sustainable and active modes of travel, in accordance with ALDP Policy T3 (Sustainable and Active Travel).

Nevertheless, it is acknowledged that, as per the Harmony of Uses SG, hot food shops tend to attract a high proportion of car users and short stay customers. In this regard, the agent has advised that it is anticipated that collections and delivery drivers in vehicles would use Seaton Place East, as this has no restrictions. It may also be the case that, during appropriate times, some users may park on King Street as this has a single-yellow line restriction. There is also the potential for any other pick-ups by bicycle or moped to use the adjacent lane leading from King Street to Seaton Place East. Although it is acknowledged that there may be more parking pressure on surrounding residential streets, it is considered that the proposed takeaways would not likely compete with the other commercial uses for customer car parking availability given the sufficient distance between other similar premises.

It is also acknowledged that hot food takeaways can often see instances of indiscriminate car parking by customers while collecting food, for example on double-yellow lines and pavements, where there is insufficient off-street parking availability, which has the potential to adversely affect

the operation of the public road, in this case King Street. Additionally, there is a risk that the proposal could result in vehicle parking pressure within the adjacent private car park associated with Livingstone Court. However, St. Ninian's Close, which is effectively a car park serving Livingstone Court and St Ninians Episcopal Church, is a private car park and not part of the adopted road network. While it has the potential to be used by customers/delivery drivers and thus have an impact on the amenity of the residents, any unauthorised use of it by customers/delivery drivers would be a civil matter to be resolved by the residents and church.

However, given the transient nature of the patronage of the use, it is considered more likely that car borne customers would opt to stop on the public road. Should customers or delivery drivers choose to park or wait immediately outside the premises, it is noted that this stretch of King Street has single-yellow lines. This should help deter people from parking here between 7am-7pm Monday to Saturday and encourage most customers arriving by car to choose to park lawfully in the surrounding streets. Roads Development Management have not expressed concerns regarding the potential for unlawful parking to occur and have no objection to the proposal on road safety grounds. It is therefore considered that refusal on the basis of indiscriminate car parking would not be reasonable.

Policy T2 (Managing the Transport Impact of Development) of the ALDP states *'commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.'*

The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised.'

For the reasons noted above, it is considered that the siting of the takeaways within a residential area would maximise the opportunities for customers to access it utilising sustainable and active travel, with nearby unrestricted car parking for those who would seek to drive. The proposal is thus considered to be compliant with Policy T2 of the ALDP.

Litter

The Harmony of Uses SG states:

'Hot food shops, liquor licensed premises, amusement centres, amusement arcades and casinos can generate a significant volume of waste and litter. Consideration must be given to providing bins that are of suitable size, appropriately sited and screened.'

Inadequate storage facilities for refuse can result in harm to visual amenity as well as serious risk to public health.'

The Planning Authority considers that due to the takeaway nature of the proposed use, with a level of immediate off-site consumption anticipated, there could be a risk of external littering by customers in the vicinity of the premises that could impact on the amenity of the area. As such, should the Committee be minded to approve the application, it is recommended that a condition be attached to the grant of consent requiring a scheme to be submitted to and approved by the Planning Authority which details the provision of an external litter bin immediately adjacent the premises. Such a condition would satisfy the Planning Authority that the risk of littering in the immediate vicinity of the property would be minimised.

It is important to note that any external litter from customers would be dealt with under separate environmental legislation and the Planning Authority understands that the applicant would have a

duty of responsibility to ensure that areas within the vicinity of the unit would be kept clear from litter. Any persistent littering problems associated to the use would be the subject of enforcement under separate legislation.

Summary

Overall, it is considered that, for the aforementioned reasons and subject to conditions, the proposed change of use of the premises to two hot food takeaways would not have a significant adverse impact on the amenity of any neighbouring properties. Although the proposal causes tension with the Council's Harmony of Uses Supplementary Guidance which does not usually consider it acceptable to locate hot food takeaways adjacent to residential properties, in light of the above, it has been demonstrated that it would not cause any significant harm to residential amenity and thus, the proposal is in accordance with criteria 2 of Policy H1 (Residential Areas) of the ALDP, in that it has been demonstrated that the use would cause no conflict with, or any nuisance to, the current levels of residential amenity within the surrounding area.

Waste management

Policy R6 (Waste Management Requirements for New Development) of the ALDP requires new development to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

As indicate within the proposed plans, the two takeaways intend to utilise the existing communal bin store area to the rear of the building for the storage of waste. The applicant has confirmed that refuse vehicles could use the lane to the south as this would be the preferred method of collecting waste as refuse vehicles will access Seaton Place East for other collections; however, they may also opt to stop on King Street. Standards contained within the Transport and Accessibility SG state that refuse collection vehicles should be able to park within 25m of bins. Although the proposal may exceed this, depending on where refuse collection takes place, Roads Development Management note that a slight increase in this distance is less concerning as it is private contractors that will be used, who can choose whether or not they accept this client. Therefore, it is considered there would be adequate space for the storage and collection of waste, in accordance with Policy R6 of the ALDP.

Design

Currently, as the building has been unoccupied for some number of years, it has fallen into a somewhat dilapidated state. The external alterations to the building and site are limited in extent and involve increasing the level of glazing to the front, along with the installation of 2 new entrance doors, which is considered to make an acceptable contribution to the character and amenity of the area. Alterations to the rear of the property, including the storage of waste, would be screened by the existing wall and fence which surrounds the rear of the site, and thus, ensuring there would be negligible additional impact on the character and visual amenity of the area. It is acknowledged that the metal flues would be minorly visible from the front of the premises. However, due to their locations and the orientation of the building, there would be no impact to the flatted properties to the east. In addition, these would not dominate the roofslopes, nor would they be unduly intrusive within the streetscene; therefore, they would not cause any significant harm to the visual amenity or character of the area. Overall, the proposal is considered compliant with Policy D1 (Quality Placemaking by Design) of the ALDP.

Proposed Aberdeen Local Development Plan 2020

In relation to this particular application, the Policies H1, D1, R5, T2, T3 and WB3 in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan 2017 and the proposal is acceptable in terms of both Plans for the reasons previously given.

Policy D2 (Amenity) is a new policy in the proposed ALDP with no direct equivalent in the adopted ALDP. Policy D2 seeks to ensure that all new developments do not cause undue harm to the amenity of any existing residential properties. Subject to conditions, the proposed change of use would not cause undue harm to the amenity of any neighbouring uses for the reasons noted in the foregoing evaluation. As such, the proposed development is considered to comply with Policy D2 of the Proposed ALDP.

Matters Raised in Representations

1. *Concerns regarding the added traffic the development would bring to the private car parks at Livingstone Court and flats 1-7 Seaton Place East.*
Issues regarding parking are addressed in the foregoing evaluation. The car parks mentioned above are private and thus, any issues would be for the occupiers to address.
2. *Concerns regarding parked cars on King Street, causing disruption to other road users.*
It would have to be assumed that single-yellow line road markings are obeyed during the specified times. Otherwise, outside of these times (i.e. after 7pm and all day Sunday), parking on this section of King Street is lawful.
3. *Concerns regarding where delivery drivers would congregate and park their cars, bikes and electric bikes.*
This is addressed in the foregoing evaluation.
4. *Concerns regarding litter outside the premises, attracting seagulls and vermin.*
Issues regarding litter are addressed in the foregoing evaluation where a condition will be attached to the grant of consent requiring a scheme regarding litter disposal. The attraction of seagulls or vermin is not a material planning consideration.
5. *Concerns regarding noise from customers late at night.*
This is addressed in the foregoing evaluation. A condition is attached restricting the opening hours of the premises to ensure that there is no impact on amenity between 10/10.30pm and 11am the following day but otherwise it is considered the impact on amenity will not be significant.
6. *Anti-social behaviour outside the takeaways late at night will leave residents of Livingstone Court feeling insecure.*
Any anti-social behaviour would be controlled via separate legislation and is not a material planning consideration.
7. *Concerns regarding smell and smoke from the ventilation flues.*
The Council's Environmental Health Service have accepted the findings of the applicant's Odour Assessment and consider that, subject to the implementation of the recommended mitigation measures, the development would not cause undue harm to the amenity of any neighbouring properties in terms of odour and raise no concerns regarding smoke.
8. *There are already at least six takeaways within the area and no more are required.*
Although over-concentration is mentioned within the Harmony of Use Supplementary Guidance, there is no planning policy or supplementary guidance restriction on a specified number of hot food takeaways permitted within one area. While it is acknowledged that there are other takeaways within the vicinity, they are considered to be located sufficiently distant to ensure there is not an over-concentration in this locality, which would have an adverse impact on residential amenity.

RECOMMENDATION

Approve Conditionally.

REASON FOR RECOMMENDATION

Subject to conditions requiring the implementation of appropriate mitigation measures, the proposed change of use would not have a detrimental impact on the amenity of any neighbouring properties, thus the proposals are acceptable in accordance with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 (ALDP). While there is a degree of tension with the Harmony of Uses Supplementary Guidance due to the proximity of residential properties, it has been demonstrated that the proposal would not cause any significant harm to residential amenity.

Subject to conditions, the proposed use would not have a detrimental impact on the amenity of any neighbouring properties in terms of noise emissions, in accordance with Policy T5 (Noise) of the ALDP and the Supplementary Guidance on Noise. Waste generated from the proposed use would be satisfactorily stored and collected without harm to amenity, in accordance with Policy R6 (Waste Management Requirements for New Development) of the ALDP.

The external alterations to the building are considered to be of an appropriate scale and design, preserving the visual amenity and character of the area, in accordance with Policy D1 (Quality Placemaking by Design) of the ALDP.

Recognised there would likely be increased parking pressure in the area, it is considered there is sufficient car parking available in the surrounding area (including on Seaton Place East) to ensure that customers visiting the premises by car would be able to park without detriment to the parking availability for residents or to road safety. The site lies within a residential area, in close proximity to a bus route and the use would be accessible by sustainable and active travel, in accordance with Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the ALDP and the Council's Transport and Accessibility Supplementary Guidance.

The proposed change of use is also compliant with the relevant policies of the Proposed Aberdeen Local Development Plan 2020 including Policies H1 (Residential Areas), D1 (Quality Placemaking), D2 (Amenity), R5 (Waste Management Requirements in New Development), T2 (Sustainable Transport), T3 (Parking) and WB3 (Noise).

CONDITIONS

1. Hours of Operation

The hereby approved use shall operate between the hours of 11am and 10pm Sunday to Thursday, and 11am and 10.30pm Friday to Saturday, and at no other time whatsoever.

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

2. Noise

The hereby approved use shall not commence unless the mitigation measures recommended in the approved Noise Impact Assessment (Reference: 0897212314 – V1, Version: n/a, Date: 13 December 2021) have been carried out and implemented in full. 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 residential properties from noise emissions associated to the new use.

3. Odour

The hereby approved use shall not commence unless the mitigation measures recommended in the approved Odour Assessment (Reference: 0897212314 – V1, Version: n/a, Date: 13 January 2022) have been carried out and implemented in full. 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 residential properties from odour emissions associated to the new use.

4. Litter Bin Provision

The use hereby approved shall not commence unless a waste management scheme, detailing litter disposal and, if appropriate, recycling facilities immediately adjacent the application site has been submitted to and approved in writing by the planning authority. Thereafter, the scheme shall be implemented in accordance with the agreed details and retained for the duration of the operation of the units as Sui Generis uses.

Reason: in order to preserve the amenity of the neighbourhood and in the interests of public health.

ADVISORY NOTES FOR APPLICANT

Odour Management Plan

It is recommended that the operator to establish a written Odour Management Plan including cleaning and maintenance procedures for the plant corresponding with Sections 5.03 to 5.06 of the report, manufacturer's instructions and extent of use, to reduce risk of malodour and statutory nuisance going forward.

Advertisement Consent

For the avoidance of doubt any alterations to the existing signage or proposing new signage will require to be assessed under an independent Advertisement Consent.

Waste Management

- Business premises need to be provided with a bin store to allocate, within the property curtilage for the business waste and recycling bins.
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013.
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that all businesses from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).

- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - o An area of hard standing at storage and collections point(s)
 - o Dropped kerb at proposed bin collection point
 - o Yellow lines in front of bin collection point
 - o Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygieneFor further independent guidance about waste and recycling provision, storage and collection please refer to the following document: http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>