

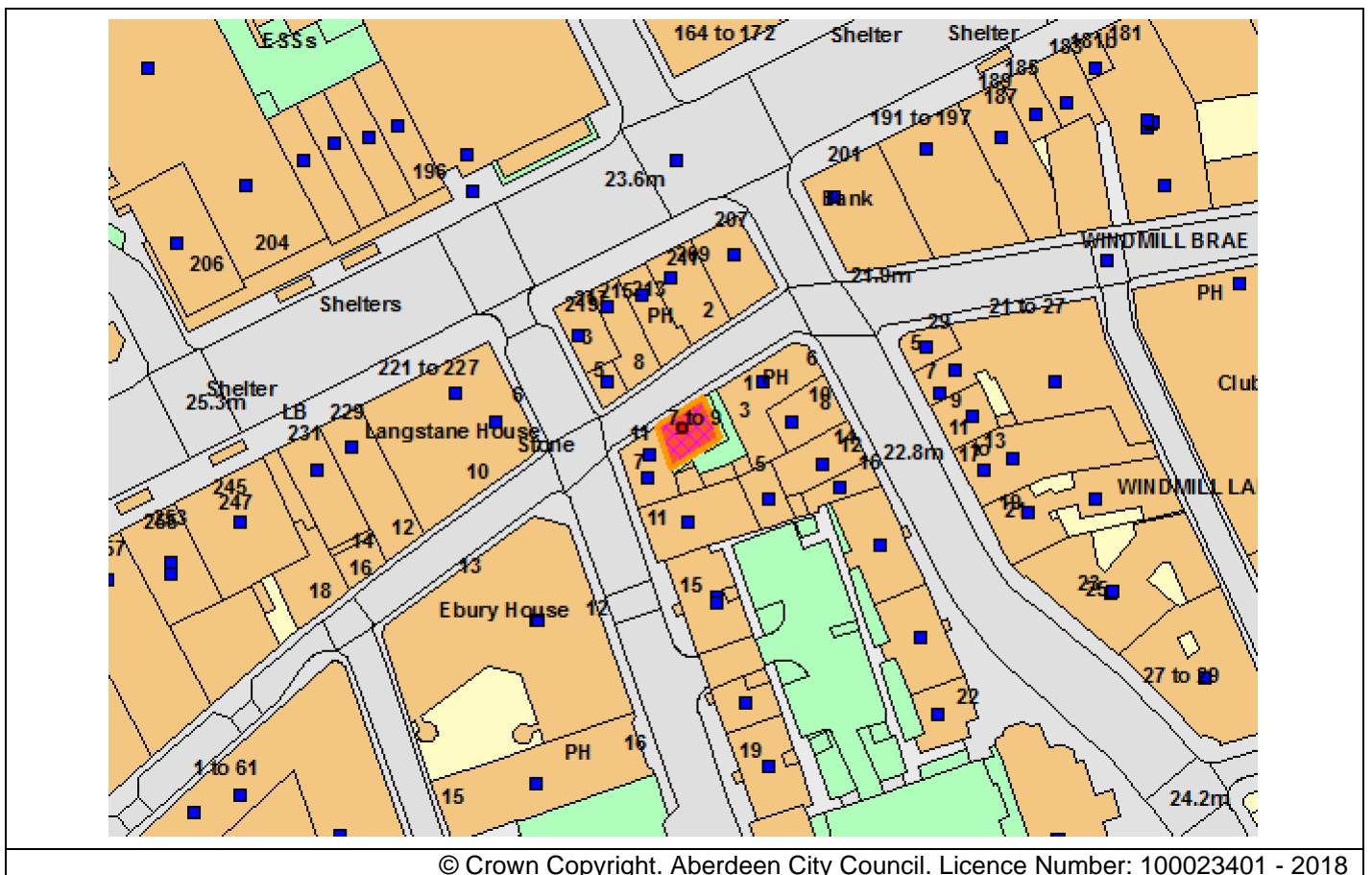


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 23 June 2022

Site Address:	7 Langstane Place, Aberdeen, AB11 6DX,
Application Description:	Installation of flue to existing mechanical extract system to side (east) elevation
Application Ref:	220509/DPP
Application Type	Detailed Planning Permission
Application Date:	21 April 2022
Applicant:	Milmore Properties Ltd
Ward:	Torry/Ferryhill
Community Council:	City Centre
Case Officer:	Robert Forbes



## **RECOMMENDATION**

Approve Unconditionally

## **APPLICATION BACKGROUND**

## Site Description

This city centre site is located on the southern side of Langstane Place, between Crown Street and Dee Street, within Bon-Accord Crescent / Crown Street Conservation Area. It comprises a 2 and a half storey building of traditional granite construction and slate clad roof. The frontage of the building has a white render finish. The ground floor is occupied by a hot food take-away which fronts onto the street. The upper floors of the building are used as a flat, albeit its occupation is restricted to the manager / family of the ground floor take-away business. It is accessed via an enclosed slate roof clad stairwell attached to the east gable.

There are a number of late-night uses and licensed premises in the immediate area. The 5 storey granite tenement building located to the east of the site is category B listed and of Edwardian origin. It comprises a pub on the ground floor with flats above. It has windows on its gable elevation close to the front façade. There is an existing metal flue attached to the building to the south of the site.

## Relevant Planning History

Application Number	Proposal	Decision Date
090559	Change of use from office to chip shop managers flat and formation of new access stairway	23.06.2010  Status: Approved subject to conditions and a legal agreement

## APPLICATION DESCRIPTION

### Description of Proposal

Installation of an external extract flue on the east gable of the building. It would extend from an existing vent at first floor level to the chimney stack. It would be constructed of galvanised metal and would be of box profile, measuring 600mm wide by 300mm deep.

### Amendments

None.

### Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RAOXHIBZMSL00>

- Supporting Statement

### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because in excess of 5 valid objections have been received.

## CONSULTATIONS

**ACC - Environmental Health** – No observations  
**City Centre Community Council** – No response received.

## REPRESENTATIONS

A total of 6 objections have been received raising the following matters :-

- Overprovision of hot food premises
- Competition with existing adjacent hot food premises
- Generation of refuse / attraction of vermin

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

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

Scottish Planning Policy 2014 (SPP) expresses a presumption in favour of development that contributes to sustainable development.

Historic Environment Policy for Scotland (HEPS) requires consideration of impacts on the historic environment.

### **Development Plan**

#### **Aberdeen City and Shire Strategic Development Plan 2020 (SDP)**

The current SDP 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 (ALDP)**

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. The extant local development plan (ALDP) is now beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 was submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination of it in public has commenced with reporters appointed. Material consideration will be given to it, 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 SPP 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 ALDP policies are relevant –

D1: Quality Placemaking by Design

D4: Historic Environment

NC1: City Centre Development - Regional Centre

NC2: City Centre Retail Core & Union Street

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

### **City Centre Masterplan (CCMP)**

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

The PALDP was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and it has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP constitutes the Council's settled view as to what the final content of the next adopted local plan should be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (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 PALDP;
- 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. In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP. The following policies are relevant –

VC1- Vibrant City; VC4- City Centre and Retail Core; D1- Quality Placemaking; D6- Historic Environment

#### **Other Material Considerations**

Bon Accord and Crown Street Conservation Area Character Appraisal 2013.

## **EVALUATION**

### **Principle of Development**

As the use of the premises as a hot food take-away is authorised and no change of use of the premises is proposed, the proposal raises no matters of principle and there is no conflict with the objectives of ALDP policies NC1 and NC2 and the CCMP. Given the non-strategic scale of the proposal and that it does not raise matters of a cross boundary nature, the SDP is of no relevance in this case. Given the minor nature of the works it is considered that the presumption in favour of sustainable development expressed in SPP is of limited relevance in this case. Detailed policy and matters of relevance are addressed below.

### **Design**

It is considered that the proposed development is suitably located in a secluded position on the building and recessed from its frontage. Given the partial screening provided by adjacent buildings and that the flue would be located on a non-primary elevation, it is considered to be not harmful to its context and satisfies the design quality expectations of ALDP policy D1.

### **Conservation / Heritage Impact**

Whilst the flue is a non-traditional feature, it would be located on a non-primary elevation, would be well screened and would only be visible fleetingly in public views from the lane heading west from Crown Street. It would not appear unduly prominent given the screening provided by adjacent buildings. It would not be visible from any main roads / key views within the conservation area. The conservation area character appraisal does not identify ventilation ducts as being a negative factor within the wider conservation area. Overall, the flue would therefore have a neutral impact on the character of the conservation area and the setting of the adjacent B listed building. As the flue would not be directly attached to the adjacent listed building and would not affect the setting of

the nearby A listed Music Hall, there is no requirement for consultation with HES in this instance. The proposed works are therefore considered to satisfy the expectation of HEPS and policy D4.

### **Residential Amenity**

The proposal would have a positive impact on adjacent residential amenity by enabling improved extraction and dispersion of cooking fumes associated with the existing use of the hot food take-away. Although there are facing window on the side / gable of the elevation of the adjacent tenement flats, these would not be impacted by the flue as there would be no obstruction of light to such windows. Obstruction of / effect on private views (e.g. from within adjacent flats) are not material planning considerations.

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

In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP and the proposal is acceptable in terms of both Plans for the reasons previously given.

### **Other Matters Raised in Objections**

As no change of use is proposed, consideration of the operation / menu of the existing hot food take-away, generation of refuse, attraction of vermin and overprovision of hot food take-aways are not relevant in this case. The objections also raise trade / competition concerns relating to an adjacent hot food premises which are not material planning considerations.

### **RECOMMENDATION**

Approve Unconditionally

### **REASON FOR RECOMMENDATION**

As the use of the premises as a hot food take-away is authorised and no change of use of the premises is proposed, the proposal raises no matters of principle and there is no conflict with the objectives of policies NC1: City Centre Development - Regional Centre and NC2: City Centre Retail Core & Union Street within the Aberdeen Local Development Plan 2017 (ALDP). It is considered that the proposed development is suitably located in a secluded position on the building and recessed from its frontage. Given the screening provided by adjacent buildings and that the flue would be located on a non-primary elevation, it is considered to be not harmful to its context and satisfies the design quality expectations of ALDP policy D1: Quality Placemaking by Design. The flue would have a neutral impact on the character of the conservation area and the setting of the adjacent B listed building. The proposed works are therefore considered to satisfy the expectation of Historic Environment Policy for Scotland and policy D4: Historic Environment.

The policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the ALDP and the proposal is acceptable in terms of both Plans for the reasons previously given.