



# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 25 September 2025**

<b>Site Address:</b>	92 Crown Street, Aberdeen, AB11 6HJ
<b>Application Description:</b>	Change of use from motorcycle garage and showroom to mosque (class 10 - non-residential institution) and class 1A (shops and financial, professional and other services) to ground floor; extensions to side, blocking up and formation of new doorways, and all associated works
<b>Application Ref:</b>	250180/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	10 March 2025
<b>Applicant:</b>	MECCA
<b>Ward:</b>	Torry/Ferryhill
<b>Community Council:</b>	City Centre



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 – 2024

## RECOMMENDATION

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a granite-built building dating from the mid-nineteenth century in a residential area to the immediate south of the city centre boundary within the Bon Accord and Crown Street Conservation Area. Originally an ecclesiastical building, the *Free Greyfriars Church* and *Old St James' Episcopal Church*. The building is currently vacant since at least 2022, having been in long-standing use for the sale and repair of motorcycles (by *Shirlaws Ltd*). The building is two storeys and gabled in form and has a gable-ended principal elevation fronting Crown Street to the east. At the northern corner is a modern single storey flat roofed extension which forms part of the shopfront. There are further unsympathetic modern extensions of utilitarian appearance and an associated hard-surfaced area to its northern side, fronting Academy Street. The ground floor of the original building has two shopfront window openings.

### **Relevant Planning History**

None.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the change of use of the application site from a motorcycle garage and showroom to class 10 – non-residential institution (intended as a place for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body) in the upper floors of the building and as class 1A - shops and financial, professional and other services on the ground floor (intended to be in retail use, with an ancillary café area); extensions to the northern side of the building, the blocking up and formation of new doorways, and associated external alterations.

The proposal would include a gable roofed extension to the north which would be two storeys in form and would replace the existing stairwell extension and an upper storey extension above the existing flat roofed extension in the northwest corner of the site. Both extensions would provide stairwell and lift access to the upper floors and would have similar proportions, eaves and maximum heights, their walls would both be finished in patterned perforated metal cladding, with the perforated metal proposed to overlay the glazing. Their roofs would be finished in slate. The maximum height of the easternmost extension would be c. 10 m and the eaves of the extensions would match those of the original building, c. 7.9 m in height. Each extension would have an entrance door facing with timber lined canopies facing into the courtyard. The doors would be of a timber construction with a patterned surface and decorative metal handles.

The hard surface to the north of the site, adjacent to Academy Street would be altered to form an area of external amenity space comprising re-used grey lock block paved surface, soft landscaping which would comprise a tree, planting and boundary hedge, fixed seating and planters, as well as bicycle storage. The space would be enclosed by a hedge and c.1 m high metal gates.

Ten rooflights would be installed on the original roofslopes, a double-width door opening would be formed north elevation of the existing extension in the northwest corner of the site to accommodate waste storage. An existing single storey extension would be removed on the

northern elevation of the main building, and the exposed elevation would be finished in roughcast render.

Planning permission for the change of use of the ground floor to class 1A - shops and financial, professional and other services would enable any of the following uses:

*Use—*

- (a) for the retail sale of goods other than hot food,*
- (b) as a post office,*
- (c) for the sale of tickets,*
- (d) as a travel agency,*
- (e) for the sale of cold food for consumption off the premises,*
- (f) for hairdressing,*
- (g) for the direction of funerals,*
- (h) for the display of goods for sale,*
- (i) for the hiring out of domestic or personal goods or articles,*
- (j) as a laundrette or dry cleaners,*
- (k) for the reception of goods to be washed, cleaned or repaired,*

*where the sale, display or service is principally to visiting members of the public.*

*(2) Use for the provision of—*

- (a) financial services,*
- (b) professional services,*
- (c) any other services,*

*which it is appropriate to provide in a shopping area and where the sale, display or service is principally to visiting members of the public.*

Planning permission of the upper floors to class 10 – non-residential institution of the Town and Country Planning (Use Classes) (Scotland) Order 1997 would enable any of the specific uses within class 10:

*“Use, not including residential use-*

- (a) as a crèche, day nursery or day centre;*
- (b) for the provision of education;*
- (c) for the display of works of art (otherwise than for sale or hire);*
- (d) as a museum;*
- (e) as a public library or public reading room;*
- (f) as a public hall or exhibition hall; or*
- (g) for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body;*
- (h) as a law court.”*

The proposal also includes an area of floorspace identified as a café, which would be of a scale and nature that is considered ancillary to the class 1A use and not in itself class 3 (food and drink).

The proposal also includes a replacement window on the north elevation of the building. Whilst included on the plans, a prior notification must separately be submitted to the planning authority to establish whether prior approval is required for the replacement window. The replacement window is thus not included in this application. The installation of opaque panes within existing window openings does not require planning permission.

The plans indicate substantial internal alterations to the building to form three storeys. As these works only affect the interior of the building they do not fall within the definition of development in terms of the Town and Country Planning (Scotland) Act 1997 and therefore do not require planning permission.

### **Amendments**

- Revisions to the design, materials and scale of the proposed extensions.
- The external area to the north of the site has been revised to comprise an enclosed courtyard with the hard and soft landscaping.
- The proposal would include biodiversity enhancements in the form of soft landscaping and a tree.
- An internal waste storage area and a door opening to accommodate would be included.
- The proposal would include rooflights in the roof of the building to serve the second storey.

### **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=SS6MI2BZGE500>

- Car parking survey
- Car parking survey photographs
- Design + access statement
- Parking statement
- Statement of Use

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because:

- it is being recommended for approval and has been the subject of six or more timeous letters of representation containing material planning considerations that express objection or concern about the proposal.

Determination of the application therefore falls outwith the scheme of delegation.

### **CONSULTATIONS**

#### **Aberdeen City Council (ACC) Internal Consultees**

- **ACC - Roads Development Management Team (RDM)** – RDM initially had concerns due to the proposal being stated as a "replacement" to the nearby existing mosque, however the agent has since stated that the existing mosque will remain in the ownership of the applicant. As such, this is not being considered as a replacement as, if approved, both premises would be eligible to function simultaneously.

As a result, RDM had asked the agent to undertake a parking survey, highlighting the impact (or lack thereof) of the existing mosque on the surrounding streets at individual

prayer times when the mosque is most likely to be busy. This parking survey has shown the impact on the area to be in line with that of other uses / businesses. This is not concerning. As there appeared to be conflicting information between the results of the survey and some letters of objection by the public, a site visit was also undertaken by RDM during a prayer time, and the findings on the site visit accorded with the data in the survey. There is a presumption against specifically providing parking in the city centre. This, coupled with the survey results, and the fact that the site is very accessible by foot, cycle, and public transport, and is served by an existing network of adopted infrastructure means there are no roads concerns with respect to the parking demand that would be generated.

It is noted that there are a number of objections which cite the lack of parking for the mosque as their reason for objection however, the Aberdeen Planning Guidance advocates against the provision of off-street parking, and the existing parking provision within a controlled parking zone is for the use of all within the zone. The existing business, or any replacement use, would have an associated parking provision.

The applicant has confirmed that, for the café element, deliveries would be made on double yellow lines on Academy Street and brought in through the service access. This is acceptable as these double yellow lines permit loading and unloading. ACC - Waste and Recycling has also noted that refuse should be stored within the site and presented onto Academy Street for collection before again being removed from the street.

There are no outstanding roads concerns with this proposal.

- **ACC - Waste and Recycling** – No objection. The development is classified as commercial and would therefore receive a business waste collection. The premises would be provided with a 180-litre wheeled bin for general waste, 1 x 240 litre co-mingled recycling bin for recycling, a 240-litre wheeled bin for food and garden waste. Bins should be presented on a collection day on Academy Street and then stored in specified bin storage area. Bins should not be permanently stored on the pavement.
- **ACC - Environmental Health** – No objection.

#### Environmental Noise Control

However, to protect local amenity we would recommend that noise generated inside the premises is not audible outside the building.

#### Construction Noise

To protect the amenity of neighbouring properties/occupants, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- o Monday to Friday 0700 hours to 1900 hours
- o Saturday 0800 hours to 1300 hours

#### **External Consultees**

- **City Centre Community Council** – No comments received.

## **REPRESENTATIONS**

42 representations have been received (40 objections and 2 neutral). The matters raised can be summarised as follows –

### **Material Considerations**

1. The adverse impact on parking, including the risk of indiscriminate parking. Consideration will need to be given to whether the proposal complies with Policy T3 (Parking).
2. Traffic.
3. The impact on the conservation area and the absence of detail regarding how the design respects the historical significance of the site.
4. The impact on people with mobility needs in terms of parking availability.
5. The site would be accessible.
6. The possible conflict with adjacent uses in terms of the adjacent dance hall being able to play music.
7. Consideration would need to be given to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 so that it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.
8. The loss of a commercial premises.
9. Noise concerns, particularly if external speakers were to be used. A planning condition that there is no external amplified music or speech is suggested, to maintain residential amenity.
10. The absence of community benefit.

### **Non-Material Considerations**

- Detail regarding how the proposal would engage with neighbouring residents and businesses.  
*Whilst the impact of the surrounding area is a material planning consideration, 'engagement' between the proposed operators and the surrounding uses is not a material consideration in the assessment of a planning application and public consultation is not a statutory requirement for a planning application for local development such as this.*

- The necessity for the development and the number of such premises, that the building should be repurposed for an alternative use such as flats or student flats.

*The planning authority is statutorily required to assess every planning application on its own merits against the relevant policies of the development plan and all relevant material planning considerations. The necessity of the development is not a material consideration and there is no basis for limiting class 10 uses in the city as a generality.*

- Matters relating to, and perceptions of, the specific operator of the proposal and its visitors.  
*These matters are not relevant to the determination of a planning application.*
- Attention should be given to supporting the homeless and youths.  
*This is not relevant to the determination of this planning application.*

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

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

Section 149 of the Equality Act 2010 requires that a public authority must, in the exercise of its functions, have due regard to the need to - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

#### **National Planning Framework 4**

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

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 28 (Retail)

#### **Aberdeen Local Development Plan 2023 (ALDP)**

- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy H1 (Residential Areas)
- Policy NE5 (Trees and Woodlands)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

### **Aberdeen Planning Guidance**

- Materials

- The Repair and Replacement of Windows and Doors
- Transport and Accessibility
- Waste Management Requirements for New Developments

### **Other National Policy and Guidance**

- Bon-Accord and Crown Street Conservation Area Character Appraisal
- Historic Environment Policy for Scotland
- Managing Change in the Historic Environment (Extensions, Windows)

## **EVALUATION**

### **Key Determining Factors**

The key determining factors in the assessment of this application are:

- The design, siting, materials and details of the extensions and external alterations on the character and appearance of the Bon-Accord and Crown Street Conservation Area.
- The impact of the change of use on the residential amenity of the surrounding area.
- The impact on parking provision in the area.

### **Principle of Development**

The application site is zoned as Policy H1 (Residential Areas) on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP). This policy states that within existing residential areas, proposals for non-residential uses will be supported if:

- 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.*

To assess the impact on amenity, Policies 14 (Design, Quality and Place) of NPF4, and D1 (Quality Placemaking) are of relevance. The Qualities of Successful Places referred to in Policy 14 (Design, Quality and Place) of NPF4 and the Qualities of Successful Placemaking referred to in Policy D1 of the ALDP seek to ensure that existing levels of amenity would not be adversely affected to any significant degree by new development, including in relation to protecting daylight and sunlight receipt, privacy, noise and odour.

The nearest residential dwellings are three flats (86a – c Crown Street) on the northern side of Academy Street to the north of the site and residential flats on the eastern side of Crown Street. It is understood that the building to the west of the site, Seabank House, is in residential use as a care home. The nearest residential dwellings to the south are approximately 30 m away beyond the adjacent Aberdeen Quaker Meeting House. Whilst it is zoned as a residential area, there are multiple non-residential uses in the immediate surrounding area, including a dentist at 86 Crown Street, a dance studio at 12 Academy Street, a hair salon at 43 Dee Street, several hotel / guest houses along Crown Street, the Aberdeen Masonic Temple to the northeast of the site on Crown Street and the Aberdeen Quaker Meeting House to the immediate south.

Using the sunlight and daylight calculations in the Amenity and Space Standards Aberdeen Planning Guidance, it has been established that the proposed extensions are of a height and distance from neighbouring residential curtilage and windows whereby they would not impact the



level of daylight or sunlight afforded to any neighbouring residential property or curtilage. There are no windows serving the flats of 86a – 8c Crown Street on its southern elevation whereby the level of sunlight and daylight would be materially impacted by the development.

The proposed extension would not affect the existing levels of privacy afforded to the nearest residential dwellings. The proposed rooflights would be of a height whereby it would not be possible to overlook the neighbouring residential curtilages and the proposed windows in the extension would face onto public areas. The entrances into the site would be via the public roads on Crown Street and Academy Street.

It is recognised that, as a place of worship, the class 10 – non-residential institution use may periodically increase footfall. Although the surrounding area is residential in character, Crown Street is characterised by having a relatively high degree of activity in terms of traffic and footfall given it is a direct route to, and in very close proximity of, the city centre and supports a mix of uses. There are also many non-residential uses in the area. In this regard, the periodic increase in footfall would not result in noise and disturbance in the area whereby the amenity of the neighbouring residential uses would be materially affected.

The proposal would not comprise noise generating development, as there is no noise generating infrastructure proposed and neither class 10 nor class 1A uses are inherently noise generating. Concerns have been raised in the representations in terms of noise nuisance if an external speaker were to be used by the operator which was audible outside the premises (*issue 11 raised in representations*). Whilst no indication of the proposed use of such equipment has been set out through the application, noise which constitutes a statutory nuisance can be controlled separately through environmental protection legislation. In the context of the relatively high levels of activity in the area, a planning condition to control this is not considered necessary, relevant or proportionate in this instance. Nevertheless, an advisory note as recommended by ACC – Environmental Health is suggested, stating that noise generated inside the premises should not be audible outside the building, to protect local amenity and minimise the risk of any statutory nuisance in relation to noise.

Whilst the proposal would include an area on the ground floor which would be a ‘café,’ no commercial cooking is proposed and this aspect of the proposal would be ancillary in nature to the wider class 10 use.

In its context, the development proposal would be complementary to residential use and would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity, in accordance with the aims of Policies 14 (Design, Quality and Place) of NPF4, as well as Policies D1 (Quality Placemaking) and H1 (Residential Amenity) of the ALDP (*issue 7*).

### **Small Scale Retail Development**

The established use, specifically for the sale and service of motorcycles, is a sui generis retail use. The change of use of the ground floor from this sui generis use to class 1A would enable the ground floor to be used within the full range of uses within class 1A. It is understood that this would not include hot food.

Policy 28 (Retail) of NPF4 states that proposals for new small scale neighbourhood retail development will be supported where the proposed development:

- i. contributes to local living, including where relevant 20 minute neighbourhoods and/or
- ii. can be demonstrated to contribute to the health and wellbeing of the local community.

Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4 states that development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area.

Whilst open to the public, the proposed retail unit would be a 'small scale neighbourhood retail development'. This is because it would have a relatively small retail floorspace, c.380 sqm, and therefore would not be a significant footfall generating whereby it would have any material impact on the viability and vitality of existing designated retail centres. In any case, the site is in a highly accessible location in that it is bounded to its east and north by the defined city centre boundary, is located approximately 210 m from Union Street and is adjacent to a bus route. Crown Street is a primary pedestrian route south from the city centre and, whilst residential in character, the immediate and wider area has many non-residential uses, including retail. The building has been vacant for several years and the established use is limited to the specific use for the sale and service of motorcycles. Taking the foregoing into account the proposal would positively impact on the area by bringing the building back into use. Furthermore, and the change of use would grant planning permission to the full range of uses within class 1A, enabling a significantly wider range of possible commercial occupants in the future (*issue 8*).

In this context, and given that the established use is retail in nature, the proposed class 1A use would contribute to local living and accord with 20-minute neighbourhoods and would complement the existing uses in the area. Commensurate to its scale and nature, it would thus contribute to the health and wellbeing of the local community. The proposal therefore accords with Policy 15 (Local Living and 20 Minute Neighbourhoods) and Policy 28 (Retail Development) of NPF4.

## **Historic Environment**

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

Policy 7 (Historic Assets and Places) of National Planning Framework 4 (NPF4) states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Policy D6 (Historic Environment) of the ALDP states that appropriate developments, including new features and fixings, must be designed to respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of conservation areas.

Policy 14 (Design, Quality and Place) of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy D1 (Quality Placemaking) of the ALDP states that all development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

## **Proposed Extensions**

The Managing Change in the Historic Environment: Extensions guidance expects extensions to protect the character and appearance of the building, be subordinate in scale and form; located on a secondary elevation and designed in a high quality manner using appropriate materials.

The proposed extensions would be complementary additions to the building and would, to a degree, rationalise the previous interventions to the northern elevation of the building. Other than the unconventional flat roofed section on the upper storey extension at the northwest of the

property, the proposed extensions would have a consistent scale and form, with eaves and a slated roof finish that would correspond with those of the original building and ancillary ridge heights. Their narrow two storey form with narrow windows would reflect the ecclesiastical architectural character of the original building. The extensions would have a consistent contemporary design of decorative perforated metal that would sympathetically contrast to the historic finish of the original building, adding a degree of architectural interest on the public facing secondary elevation of the building, which has previously been the subject of unsympathetic intervention. Whilst the extensions and the boundary would introduce a designed frontage onto Academy Street, they would not undermine the principal elevation and the primary historic orientation of the building onto Crown Street. The proposed hard and soft landscaping to the north of the site would enhance the visual amenity of the northern side of the building. Accordingly, the proposed extensions would be an enhancement to the character and appearance of the Crown Street Conservation Area. Given the limited detail on the specifications of the perforated metal finish, the recommendation is to apply a condition requiring samples and specifications of the walls and roof of the extensions and doors, including a specific sample panel of the metal cladding system and the panel of the screen proposed over the windows. This is to ensure that the extensions would be of a sufficiently high quality to preserve and enhance the character and appearance of the conservation area.

The Repair and Replacement of Windows and Doors Aberdeen Planning Guidance states that *“new doorways should only be considered where they can be incorporated into the existing architecture and designed and detailed in a way that is compatible with the existing historic fabric.”*

#### Blocking and Opening of Doors on North Elevation of Existing Flat Roofed Extension

In this case, the proposed door opening would be formed within the modern flat roofed extension on the northern side of the building. The existing door would be blocked up in exposed aggregate block from the down-takings taken to form the door. Given these alterations would affect the modern extension of utilitarian design, they would have an in significant impact on the character of the building. Nevertheless, given their siting on a prominent street-facing elevation, the recommendation includes a planning condition to require finalised details and a construction methodology for these alterations.

#### Finish to Exposed Wall on North Elevation

The rendered finish on the exposed wall on the northern side of the building would correspond with the render finish on the existing doors on the northern side of the building and would not materially affect the architectural character of the building.

#### Proposed Rooflights

The rooflights would each be of a minor size, have a vertical proportion and be rationally located centrally within the roof and thus would not overwhelm or appear unbalanced on the roofslope. Whilst they would not include a central glazing bar, a feature expected on proposed rooflights in conservation areas, they would not be readily visible from any long views nor from the street given the pitch of the roof and the presence of adjacent buildings. The proposed rooflights would be visible on the north elevation in the context of the proposed contemporary extension. The proposed rooflights would have a negligible impact on the architectural character of the building and the character and appearance of the conservation area.

## Historic Environment – Summary

The Bon-Accord and Crown Street Conservation Area Character Appraisal identifies poor quality and unattractive relatively modern rear extensions, often with unsympathetic scale and massing for the traditional building it adjoins with, as a weakness of the conservation area, and enhancement to the visual appearance and state of repair to buildings, as well as high quality modern design, as opportunities. Street tree planting, particularly associated with social gathering spaces with high footfall to improve amenity is a further opportunity.

Subject to finalised details and specifications, which can be addressed through appropriately worded planning conditions, by way of their design, scale, siting and materials in their context, the proposed extension and alterations, as well as hard and soft landscaping, would be sympathetic to the character and appearance of the Bon-Accord and Crown Street Conservation Area, in accordance with Policies 7 and 14 of NPF4 and Policies D1 and D6 of the ALDP; the Historic Environment Policy for Scotland and the aims of the Bon-Accord and Crown Street Conservation Area Character Appraisal (*issue 3*).

## **Sustainable Transport and Parking**

Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport) of the ALDP promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T2 furthermore states that proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated.

The development would be accessible using a range of sustainable and active travel methods given its close proximity to the city centre and public transport links. The nearest bus stop is 80 m to the north of the application site on Crown Street, and it is 210 m from Union Street and approximately 350 m from the bus station where there are a range of bus routes. It is thus within 400 m of a bus stop, in accordance with Policy T2 of the ALDP. The proposal would include sufficient short-stay cycle parking provision within the enclosed courtyard for visitors and customers, which would be ensured through an appropriately worded planning condition.

Policy 13 of NPF4 states that development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people. The application is within the 'City Centre' parking zone, as defined by the Transport and Accessibility Aberdeen Planning Guidance. Policy T3 of the ALDP applies the principle of 'zero parking' in the city centre and in inner city areas where there is adequate access to active travel and public transport options.

Given the accessibility of the site, its location within the 'City Centre' parking zone immediately adjacent to the city centre boundary, the principle of 'zero parking' and the absence of parking in this instance is compliant with these policies. The ACC - Roads Development Management Team has also advised that there is a presumption against specifically providing parking in the city centre. The application site falls within a Controlled Parking Zone (CPZ), which would prevent indiscriminate parking. There is sufficient accessible parking provision as there are double yellow lines adjacent to the site on Academy Street on which blue badge holders are permitted to park for up to three hours (*issue 4*).

Furthermore, the agent has undertaken a parking survey of the surrounding streets to assess the potential impact (or lack thereof) on on-street parking availability at individual times when the class 10 use is most likely to be busy. The methodology used takes into account that the operator of the

proposed class 10 use would be the same as that of 16 Crown Terrace, and therefore that trips to the proposed use would be at similar times and of a similar frequency to trips to the equivalent use at 16 Crown Terrace. The parking survey assessed the differences in on-street parking availability in the surrounding streets when visitors are attending that premises compared to when they are not. The parking survey has shown the impact on the area to be in line with that of other uses / businesses. Because of the concerns raised in the representations regarding this (*issue 1*), the ACC - Roads Development Management Team undertook its own site visit to corroborate the data in the parking survey, which has corroborated the findings of the parking survey.

To summarise the matter of impact of car parking in the area, Policy 13 of NPF4, Policy T3 of the ALDP and the Transport and Accessibility Aberdeen Planning Guidance are all supportive of zero parking developments in the city centre. The practicality of this in this instance is supported by the results of the parking survey, as well as the accessibility of the site by foot, cycle, and public transport, proximity to the city centre and proposed cycle parking facilities.

The applicant has confirmed that, for the café element, deliveries would be made on double yellow lines on Academy Street and brought in through the service access, which, as confirmed by the ACC – Roads Development Management Team, would be acceptable as these double yellow lines permit loading and unloading.

The proposal would not significantly generate traffic in the area (*issue 2*). The proposal would not adversely affect road safety, would be accessible using sustainable and active travel and would be an acceptable 'zero parking' development (*issue 1*), in accordance with Policies 13 of NPF4, T2 of the ALDP and the Transport and Accessibility APG. The ACC - Roads Development Management Team does not have any concerns and does not object to the application.

### **Waste Storage and Collection Arrangements**

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP require new developments to have sufficient space for the storage and management of general waste, recyclable materials and compostable wastes where appropriate. The proposal would include an internal bin store, which would be of an adequate size to store the bins that would be required for the premises (as set out by ACC - Waste and Recycling in its consultation response. The proposed double-width doors would enable the bins to be taken directly onto the street. ACC - Waste and Recycling has not objected to the application. The development would incorporate appropriate waste storage and collection arrangements, in accordance with these policies and the aims of the Waste Management Requirements for New Development Aberdeen Planning Guidance.

### **Biodiversity**

Policy 3 (Biodiversity) of NPF4 states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Policies 6 (Forestry, Woodland and Trees) of NPF4 and NE5 (Trees and Woodlands) of the ALDP are both supportive of proposals which seek to increase tree cover. The proposal would introduce soft landscaping in the form of a tree, hedges and planting in the courtyard to the north of the site. Taking into account the site has negligible biodiversity currently and the urban nature of the surrounding area is such that there is limited biodiversity in the area and few trees, the proposal would enhance biodiversity and increase tree cover, in accordance with these policies, acknowledging it would be at a very minor scale.

## **Tackling the Climate and Nature Crises**

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise life-cycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 states that Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported.

The proposal would bring a vacant historic building back into beneficial use, conserving its embodied energy. It is in a location that is highly accessible using sustainable and active travel methods in very close proximity to the city centre. It would thus comply with the principles of Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4. It would include measures to incentivise active travel and would include biodiversity enhancements. Commensurate with the scale of the development, development proposal would place sufficient weight on positively addressing the global climate and nature crises, in accordance with Policies 1 and 2 of NPF4.

## **Public Sector Equality Duty**

Section 149 of the Equality Act 2010 states that a public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The Public Sector Equality Duty is engaged by this particular application because the information submitted states that the proposed class 10 used would function as a place of worship, as well as the inclusion of spaces for those with mobility-based disabilities.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to - remove or minimise disadvantages suffered by such persons that are connected to the characteristic; take steps to meet the needs of such persons that are different from the needs of persons who do not share it; and encourage such persons to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The layout of the site in terms of accommodating those with mobility-based disabilities would be addressed through building standards requirements, although it is noted from the floor plan that it would have facilities to meet the needs of those with mobility-based disabilities (*issue 5*). This would minimise disadvantages suffered by persons who share the protected characteristic (disability) that are connected to the characteristic by providing suitable access.

Other than this matter, it is considered that there are no direct implications with the Public Sector Equality Duty in determining this planning application. The proposal would accommodate space for religious worship, with religion or belief being one of the protected characteristics, however this in itself would not necessarily directly relate to the specific criteria set out in (a) – (c) in Section 149 of the Equality Act 2010. Furthermore, upon review of the matters raised in the representations in the context of the protected characteristics identified in the Equality Act 2010, they do not identify any matters whereby approval of this application would be contrary to the aims and requirements of the Public Sector Equality Duty. Matters relating to, and perceptions of, the specific operator of the proposal and its visitors are not material considerations. Taking the foregoing into account, it is concluded that the planning authority has considered all the requirements/needs in section 149 of the Equality Act 2010 when assessing and determining this planning application.

## **Matters Raised in Representations**

*Issue 6* in the representations relates to a concern that the proposal could result in a possible conflict between the proposed use and the dance studio at 12 Academy Street on the basis that that premises plays music. The proposed class 10 and 1A uses are not noise-sensitive developments (e.g. a residential use) whereby an adjacent business may be disadvantaged if noise were to be generated. As such, the agent of change principle is not applicable. As with the concern raised regarding if noise were to be generated by the proposed use (*issue 9*), any noise within existing premises which constitutes a statutory nuisance is addressed through environmental protection legislation.

Given the small scale of the proposal, there is no requirement for a 'statement of community benefit' to be provided for this application. However, the material planning considerations in support of the development proposal are reflected throughout this evaluation and in the recommendation (*issue 10*).

## **ADMINISTRATIVE MATTERS**

Twenty four invalid representations have been received. Twenty three are invalid on the basis that there are no names attached and one is invalid because it was received after the date in which representations can be received. These have not been included in the representations above. However, all relevant material planning considerations have been addressed in this evaluation.

## **RECOMMENDATION**

Approve Conditionally

## **REASON FOR RECOMMENDATION**

The proposal, for the change of use from a use for the sale and service of motorcycles to class 10 (non-residential institution) and class 1A (shops and financial, professional and other services), and the associated extensions and alterations, would be complementary to residential use and would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity, in accordance with the aims of Policies 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), as well as Policies D1 (Quality Placemaking) and H1 (Residential Amenity) of the Aberdeen Local Development Plan 2023 (ALDP).

The proposal would bring a vacant historic granite building back into use, in accordance with the principles of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4, in a location that is highly accessible using sustainable and active travel just outside the city centre boundary and it would thus contribute to local living, in accordance with Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4. Given the established use is limited to the specific use for the sale and service of motorcycles and it has lain vacant for several years, the proposal would enable the full range of uses within class 1A, enabling a significantly wider range of possible commercial occupants. As such, commensurate to its scale and nature, the class 1A use would contribute to the health and wellbeing of the local community, in accordance with Policy 28 (Retail Development) of NPF4.

By virtue of their design, scale, siting and materials in their context, the amendments to the proposed extensions and alterations, as well as hard and soft landscaping, would be sympathetic

to the architectural character of the original building and the character and appearance of the Bon-Accord and Crown Street Conservation Area, in accordance with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4 and Policies D1 (Design, Quality and Place) and D6 (Historic Environment) of the ALDP; Historic Environment Policy for Scotland; the Managing Change in the Historic Environment guidance; and the aims of the Bon-Accord and Crown Street Conservation Area Character Appraisal. Finalised details and specifications of materials can be addressed through appropriately worded planning conditions.

The proposal would not generate significant traffic in the area nor adversely affect road safety. It would be highly accessible using sustainable and active travel and it has been demonstrated that this proposal would be an acceptable 'zero parking' development, in accordance with Policies 13 (Sustainable Transport) of NPF4, T2 (Sustainable Transport) and T3 (Parking) of the ALDP and the Transport and Accessibility Aberdeen Planning Guidance.

In terms of the climate and nature crises, the proposal would bring a historic building that is in a location immediately outside the city centre that is highly accessible using sustainable and active travel back into use. It would furthermore include measures to incentivise active travel and would, albeit on a minor scale, include biodiversity enhancements and increase tree cover. Commensurate with the scale of the development, development proposal would place sufficient weight on positively addressing the global climate and nature crises, in accordance with Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Change Mitigation, and Adaptation), 3 (Biodiversity) and 6 (Forestry, Woodland and Trees) of NPF4, and NE5 (Trees and Woodlands) of the ALDP.

The development would incorporate appropriate waste storage and collection arrangements, in accordance with Policy R5 (Waste Management Requirements for New Development) of the ALDP and the aims of the Waste Management Requirements for New Development Aberdeen Planning Guidance.

## **CONDITIONS**

### **(01) DURATION OF PERMISSION**

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

Reason - in accordance with section 58 (duration of planning permission) of the Town and Country Planning (Scotland) Act 1997.

### **(02) CYCLE PARKING SPACES**

That the change of use hereby approved shall not occur unless finalised details of the proposed cycle parking areas in accordance with the proposed plans have been submitted to and approved in writing by the planning authority, and evidence of their installation has been submitted to, and confirmed in writing by the planning authority.

Reason - to incentivise sustainable and active travel to the premises.



### (03) HARD AND SOFT LANDSCAPING AND BIODIVERSITY ENHANCEMENTS

That the change of use hereby approved shall not occur unless all of the hard and soft landscaping measures, fixed seating and boundary treatment on the approved landscape scheme (as shown on Drawing 11B) have been implemented in their entirety, unless a variation to this scheme has been submitted to, and approved in writing by the planning authority.

All soft landscaping proposals and biodiversity enhancements shall be carried out in accordance with the approved landscape scheme and shall be completed during the planting season immediately following the completion of the extension, or such other date as may be agreed in writing with the planning authority. Any planting which, within a period of five 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.

Reason - In the interests of enhancing green infrastructure, the character and appearance of the conservation area and biodiversity, as well as positively addressing the climate and nature crises.

### (04) EXTERNAL MATERIALS

That no development shall take place unless specifications, samples, and finalised details, including a sample panel of the perforated metal cladding system of the walls, roof, window panels and doors of the extensions and exposed elevations, have been submitted to, and approved in writing by the planning authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason - In the interests of visual amenity and the character and appearance of the conservation area.

### (05) NEW DOOR OPENING AND BLOCKING UP OF DOOR

That no development shall take place unless finalised details of the proposed door opening and the blocking up of the existing door on the north elevation of the flat roofed extension to the northwest of the application site has been submitted to, and approved in writing by, the planning authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason - In the interests of visual amenity and the character and appearance of the conservation area.

## **ADVISORY NOTES FOR APPLICANT**

### (01) ENVIRONMENTAL NOISE

To protect local amenity and minimise the risk of any statutory nuisance in relation to noise, it is recommended that noise generated inside the premises is not audible outside the building.

(02) CONSTRUCTION NOISE

To protect the amenity of neighbouring properties/occupants, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- Monday to Friday 0700 hours to 1900 hours
- Saturday 0800 hours to 1300 hours