



Planning Development Management Committee

Report by Development Management Manager

Committee Date: 04 December 2025

Site Address:	99 Westburn Road, Aberdeen, AB25 2SG
Application Description:	Change of use from physiotherapy practice [class 1A (shops, financial professional and other services) use] to cafe / hot food takeaway [mixed class 3 (food and drink) use and sui generis use]
Application Ref:	250319/DPP
Application Type	Detailed Planning Permission
Application Date:	2 April 2025
Applicant:	Aadhantamil Ltd
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount and Mile End



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The premises forms part of the ground floor and basement of a 2½ storey granite tenement building of Victorian origin. It has been vacant since April 2024 and previously used as a physiotherapy practice. It is accessed from a door at the north-west corner of the building and has windows facing onto both Westburn Road and Watson Street frontages. There is no external space, although there is adjacent communal garden ground to the east of the building accessed from Westburn Road via a gate. The existing premises comprises three treatment rooms and a reception and was historically used as a corner shop. There is separate access to the upper floor flats and adjacent flats. The surrounding area is largely residential in nature with commercial uses concentrated on Rosemount Place. Victoria Park is located to the west of the site, across Watson Street. The site is located within the Rosemount and Westburn Conservation Area.

Relevant Planning History

- 902307 - Planning permission for change of use of the premises from a flat to a physiotherapy practice was granted conditionally by Planning Committee in 1991 and was implemented.
- 061887 – Planning permission for variation of condition 1 of the above approval was granted using delegated powers in 2006.
- 240629/S42 – Planning permission for removal of condition 1 of planning approval 061887 was granted using delegated powers in 2024.

APPLICATION DESCRIPTION

Description of Proposal

Change of use is sought to form a mixed use café and hot food take-away. No external works to the building which require planning permission are proposed. Ventilation ducting from the kitchen would terminate in a louvre located on the external south (rear) wall of the building at ground level. The existing access arrangements would be retained. Customer seating, associated access and toilet would comprise the majority of the ground floor area. The kitchen / storage area would be located at the east end of the site and public area located at the west end with windows on both street elevations. The basement would be used for ancillary storage. The proposed operating hours are 07.00-19.00 on Monday to Saturday and 09.00-17.00 on Sunday. The proposed hot food items offered would be limited to sausage rolls, paninis, oven chips and soups, heated using a domestic oven/hob (electric), microwave oven and air fryer. Sale of cold food (sandwiches), cakes and ice cream for consumption on and off the premises would also be undertaken.. Refuse storage is proposed within the communal garden ground of the tenement, accessed via a gate onto Westburn Road. Cycle parking is proposed at the frontage of the site on an unadopted part of the pavement facing Watson Street.

Amendments

- Cycle parking provided

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=STOK5YBZHD100>

- Noise Report
- Odour Assessment
- Planning Statement

Reason for Referral to Committee

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

- in excess of 6 objections have been received and the recommendation is approval, and
- the concerns expressed by the Community Council constitute an objection and the recommendation is approval.

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

CONSULTATIONS

Aberdeen City Council (ACC) Internal Consultees

- **ACC - Environmental Health** – No objection. Accept the proposed noise and odour mitigation measures set out in the supporting technical reports. Recommend operating time restrictions to protect residential amenity, such that the premises would not operate outwith 07:00 to 19:00 hours from Monday to Saturday and 09:00 to 17:00 hours on Sunday.
- **ACC - Roads Development Management Team** – No objection. Advise that the site lies within a controlled parking zone and the proposal is likely to result in low reliance on private car trips. Advise that the proposed cycle parking on the Watson Street frontage is acceptable and does not conflict with pedestrian desire lines. Advise that the location of proposed bin storage is acceptable.
- **ACC - Waste and Recycling** – No objection. Advise that the refuse storage (4 domestic size wheelie bins located with the communal garden) is appropriate.

External Consultees

- **Scottish Water** – No objection. For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation area to prevent food waste, fat oil and grease from being disposed into sinks and drains. The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection.
- **Rosemount and Mile End Community Council** – Express concern regarding hours of operation (potential late night operation) and the nature of hot food provision.

REPRESENTATIONS

Nine representations have been received (six objections, one in support and two neutral). Neighbours were renotified on 27 June 2025 following receipt of further supporting information. Two additional representations were received from residents who had previously objected. The matters raised can be summarised as follows –

Material Considerations

1. Disturbance to and conflict with residential amenity and character due to noise and odour impact and potential late night opening
2. Conflict with Harmony of Uses Aberdeen Planning Guidance
3. Increased parking pressure and traffic generation
4. Safety impact of delivery drivers and e-bikes on pedestrians and children
5. Waste and litter generation
6. Adverse impact on Victoria Park and the historical importance of the building
7. Visual impact of the ventilation flue
8. Lack of information regarding hours of operation, menu and noise and odour impact
9. Site is outwith a retail centre
10. Use of communal garden
11. Light disturbance
12. Creation of an adverse precedent
13. Overprovision of café / food premises in the area
14. The use would provide a supporting and complementary service in relation to the functioning of nearby parks

Non material planning considerations

1. Fire risk

Whilst the proposed commercial kitchen and associated electrical appliances results in an element of fire risk, that is a matter which is governed by other (non-planning) legislation, is a matter which would be for the operator, Building Standards and Scottish Fire and Rescue Service to consider.

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.

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 3 (Biodiversity)
- 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 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 23 (Health and Safety)
- Policy 27 (City, Town, Local and Commercial Centres)

Aberdeen Local Development Plan 2023

- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy H1 (Residential Areas)
- Policy NE3 (Our Natural Heritage)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC3 (Network of Centres)
- Policy VC9 (Out of Centre Proposals)
- Policy VC10 (Local Shop Units)
- Policy WB1 (Healthy Developments)
- Policy WB2 (Air Quality)
- Policy WB3 (Noise)

Aberdeen Planning Guidance

- Air Quality
- Harmony of Uses
- Health Impact Assessments
- Hierarchy of Centres
- Noise
- Resources for New Development
- Transport & Accessibility
- Waste Management Requirements for New Developments

Other National Policy and Guidance

- Local living and 20 minute neighbourhoods: planning guidance.

Other Material Considerations

- Rosemount and Westburn Conservation Area Character Appraisal

EVALUATION

Key Determining Factors

- Principle of Development

- Residential Amenity Impacts
- Impact on Existing Designated Centres
- Overprovision of Similar Uses
- Health Impact
- Traffic Impact
- Refuse Storage and Litter
- Heritage Impact

Principle of Development

As the proposal relates to a vacant brownfield site, re-use of the premises accords with the objectives of Policy 9 within National Planning Framework 4 (NPF4). NPF4 Policy 15 encourages development which contributes to local living, including 20 minute neighbourhoods. Associated Scottish Government planning guidance regarding local living and 20 minute neighbourhoods is intended to assist and support planning authorities, communities, businesses, and others who have key roles in helping to deliver local living. It was published in April 2024 and states that:

“Local living provides people with the opportunity to meet the majority of their daily needs within a reasonable distance of their home. It is centred on supporting people to ‘live well locally’.... “Development proposals should be designed with consideration of the impacts on local living overall and take action to address negative impacts that may otherwise happen.”

The provision of complementary commercial uses within a residential area accords with the intent of NPF4 Policy 15 and related guidance. The uses would provide a supporting and complementary service in relation to the functioning of nearby public parks where there are no equivalent café facilities (*issue 14 in representations*). The overall acceptability of the proposal is dependent on demonstration that there would be no adverse impact on residential amenity in order to comply with ALDP policy H1. This is addressed below.

Residential Amenity Impacts

Whilst the site lies within an established residential area, ALDP H1 Policy does not preclude the introduction of non-residential uses within residential areas. Given that cooking and takeaway of food from the premises would form limited elements of the business, with the café use being the primary element, there would be limited scope for adverse impacts on adjacent residential occupants and the wider amenity of the surrounding area. Conditions can be imposed to ensure implementation of the proposed noise control and odour control measures (*issue 1*), restrict the operating hours of the premises as proposed and ensure provision of waste storage facilities adjacent to the site in order to protect adjacent residential amenity and in accordance with the objectives of NPF4 Policies 12 and 23 and ALDP Policies H1, WB2, WB3 and R5 and related guidance. As regards compliance with ACC Harmony of Uses APG (*issue 2*), the relevant impacts on amenity are acceptable.

There are no relevant planning policies which specifically address the impact of light pollution, although that is referred to in annex D of NPF4 and ALDP Policy D1. No external lights are proposed as part of the works. The proposal would not therefore result in a material change to light levels in the surrounding area or creation of light pollution to residents (*issue 11*). The impact of enhanced ambient lighting of the adjacent public pavements due to the use of the premises and the extent of glazed windows on the frontages, would, in effect, provide a public benefit and increased perception of public safety.

Impact on Existing Designated Centres and Retailing

The site lies outwith any designated retail or commercial centre as identified in the ALDP and Hierarchy of Centres APG (*issue 9*). Thus, there is a degree of tension with the intent of NPF4 Policy 27 and ALDP Policy VC3. However, the proposal would provide a complementary service to the wider residential area and nearby parks and is of small scale. The authorised use of the premises within use class 1A would generate a similar level of footfall to the proposed uses and raises similar locational concerns. Given the authorised use of the premises, its limited scale and thus limited footfall generation, there would be no conflict with ALDP Policy VC9. The proposal satisfies the criteria set out in ALDP Policy VC10 as:

1. The premises was not previously used as a shop, there is no evidence of demand for its use for exclusively retail purposes and the proposal includes an element of retailing;
2. The proposed use is likely to cater for a local catchment;
3. The proposal would create active street frontages;
4. It has been demonstrated that there is no conflict with the amenity of the neighbouring area.

Given the compliance with ALDP Policy VC9, the limited conflict with the objectives and intent of NPF4 Policy 27 and ALDP Policy VC3 does not warrant refusal.

Overprovision of Similar Uses

The site does not lie within the city centre, or a designated centre and does not affect the character and amenity of the neighbouring area or any commercial uses. Subject to imposition of conditions, there would be no significant adverse impact on residential amenity. Given that there are no similar uses in the vicinity, the mixed use nature of the proposal and that other cafes / food premises lie considerable distance from the site (for example, some 300m to 540m away on Rosemount Place), the proposal does not result in an overprovision of such premises in the local area (*issue 13*) or conflict with the overprovision aspect of Harmony of Uses APG.

Health Impact

The premises does not lie within a disadvantaged area as identified in Health Impact Assessment APG. Given the mixed use nature of the proposal and the limited size of the premises, it would have no substantive effect on community health and wellbeing. Thus there is no tension with NPF4 policy 27 part c) i. Given the above factors and that there is limited potential for human health impacts, there is no requirement for submission of a health impact assessment and no conflict with the objectives of ALDP policy WB1 and Health Impact Assessment APG.

Traffic Impact

The authorised use of the premises is for a purpose falling within use Class 1A. The proposed use would result in similar traffic generation in terms of car trips. The site has good connectivity to wider residential areas and public transport. Thus there is no conflict with NPF4 Policy 13 or ALDP Policy T2. Whilst some customers may choose to drive to the site and park in the surrounding area, that is also a similar risk associated with the authorised use of the premises. Given that the site lies within a controlled parking zone and that the operational hours of the premises would coincide with parking controls there is limited risk of increased anti-social car parking such as pavement parking (*issue 3*). A condition is proposed to require implementation of the proposed visitor cycle parking in accordance with the expectations of NPF4 Policy 13, ALDP Policy T3 and Transport & Accessibility APG. Notwithstanding that in recent years there has been an increased

tendency for deliveries to customers to be made using e-bikes (*issue 4*), that could also occur if the property was to become a shop, for example, which falls within the existing authorised use class of the premises. Delivery companies now also offer home delivery of retail goods. With this in mind, the potential for home deliveries associated with the proposed use does not therefore warrant refusal.

Refuse Storage and Litter

The proposed provision of wheelie bins within the communal garden is accepted by ACC Waste Service and ACC Roads. Whilst the refuse storage arrangements are dependent on use of a communal garden area (*issue 10*), that would continue an existing arrangement with other owners and is a separate legal matter. As no physical waste storage facilities are required and the existing bin storage area is screened by the existing garden boundary wall there is no need for imposition of a condition in relation to the expectation of NPF4 Policy 12 and ALDP Policy R5.

Whilst the proposed take-away element of the proposed use results in a risk of litter generation (*issue 5*), there are public bins in the surrounding area, including adjacent public parks and on Rosemount Place, where customers may be likely to walk to. No additional public refuse bins have been requested by ACC Waste Service. In order to minimise the risk of litter generation associated with the take-away elements of the proposal, a condition is proposed requiring provision of litter and recycling bins adjacent to the site for the use of customers.

Heritage Impacts

Given that no external works are proposed, other than cycle parking, the proposal would have a neutral impact on the character of the building and wider conservation area (*issue 6*). There would be no impact on the character or setting of the nearby Victoria Park which contains a number of listed features. Thus it would accord with the intent of NPF4 Policy 7 and ALDP Policy D6. Active re-use of part of a granite building accords with the intent of ALDP policy D7. No external flue is proposed (*issue 7*). As the ventilation louvre would be on a rear elevation and would be not be visible from any public place, it has no effect on heritage assets or visual amenity.

Climate / Nature Crises

Notwithstanding the expectations of NPF4 Policies 1 and 3 and ALDP Policy NE3, given that no physical development is proposed, it would be unreasonable to require the development to address biodiversity or climate change matters. Any such policy tension therefore does not warrant refusal in this instance.

Other Matters Raised in Representations

Lack of Information – Further information has been submitted by the agent regarding odour and noise impact, hours of operation and menu items and is adequate to assess the relevant impacts of the development (*issue 8*).

Precedent – Given that the premises would operate on a mixed use basis, with limited hot food provision, rather than as a hot food take-away with late night use, approval of the proposal would not create an undesirable precedent for such a use (*issue 12*).

ADMINISTRATIVE MATTERS

Renotification of neighbours and further consultation with statutory consultees has been

undertaken due to the submission of further technical supporting information.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The site is located within an accessible residential area and thus accords with the objectives of Policy 13 (Sustainable Transport) and Policy 15 (Local Living and 20 Minute Neighbourhoods) within National Planning Framework 4 (NPF4) and associated National Planning Guidance regarding local living as it would provide a supporting service for nearby residents and park users. Subject to imposition of conditions to regulate the uses and their potential adverse impacts on amenity, there would be no conflict with NPF4 Policy 23 (Health and Safety) and Policy H1 (Residential Areas), Policy WB2 (Air Quality) and Policy WB3 (Noise) within the Aberdeen Local Development Plan 2023 (ALDP) and related guidance. As regards ACC Harmony of Uses Aberdeen Planning Guidance, there would be no significant adverse impacts on residential amenity. Re-use of vacant granite premises accords with the objectives of NPF4 Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and ALDP Policy D7 (Our Granite Heritage). As no external works affecting the character of the Rosemount and Westburn Conservation Area are proposed its character and appearance would be preserved and there is accordance with NPF4 Policy 7 (Historic Assets and Places) and ALDP Policy D6 (Historic Environment). There is no conflict with Policy 27 (City, Town, Local and Commercial Centres) part c) and ALDP Policy WB1 (Healthy Developments). Although there is conflict with the objectives and intent of NPF4 Policy 27 (City, Town, Local and Commercial Centres), the proposal accords with Policy VC10 (Local Shop Units). There is no conflict with ALDP Policy VC9 (Out of Centre Proposals). As the proposal does not result in increased car parking provision and appropriate cycle parking is proposed, there is accordance with NPF4 Policy 13, ALDP Policy T2 (Sustainable Transport) and Policy T3 (Parking). The traffic, road safety and other concerns raised in objection do not warrant refusal given that the relevant Council statutory consultees have no objections. Suitable refuse storage is available in accordance with NPF4 Policy 12 (Zero Waste) and ALDP Policy R5 (Waste Management Requirements for New Development). The conflict with NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 3 (Biodiversity) and ALDP Policy NE3 (Our Natural Heritage) and Policy VC3 (Network of Centres), does not warrant refusal.

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 1997 act.

(02) ODOUR MITIGATION

The use hereby authorised shall not take place unless evidence has been provided to the planning authority that the specific odour mitigation measures identified in the approved kitchen ventilation report (TKM Ventilation Services, 29th July 2025) have been implemented in full. The approved

use shall not operate unless the approved measures are thereafter retained. For the avoidance of doubt, the following specific measures are required:

- Wall mounted extract canopy located directly above cooker;
- Canopy to include baffle type filters (washable);
- Rigid extract ductwork routed to the exterior of the building incorporating sufficient access panels, or ability to demount ductwork sections, to permit cleaning;
- New carbon filter unit for removal of grease and odour. Carbon filter to have a minimum dwell time of 0.2 seconds. Suitable access will be required to the filter unit;
- In-line extract fan;
- Exhaust to atmosphere via weather louvre at rear of building;
- Fresh-air make-up via ducted system with filter/fan;
- Both supply and extract fans operated via speed controllers.

Reason - In order to protect the existing residential amenity of the neighbourhood.

(03) NOISE MITIGATION

The use hereby authorised shall not take place unless evidence has been provided to the planning authority that the specific noise mitigation measures identified in the approved noise impact assessment (Vibroack, 23rd October 2025 [Ref: R25.12738/1/IK/Let1]) have been implemented in full. The approved use shall not operate unless the approved measures are thereafter retained. For the avoidance of doubt, the following specific measures are required:

- The Local Extract Ventilation (LEV) intake/extract are located as shown in Figure 1 of the report;
- The LEV shall have an intake/extract fan with equivalent (or lower) noise emissions than the In-line TD-500/150-160 Silent 3V Fan (Table 1);
- The LEV intake/extract shall be fitted with a silencer that provides (as a minimum) the dynamic insertion loss values shown in Table 2 of the report;
- The suspended ceiling shall be upgraded in accordance with the Planning Statement (LAS Architecture, June 2025) – “replace the existing plasterboard on the lowered ceiling with 15mm thick British Gypsum fire / acoustic plasterboard, together with 100mm thick Knauf acoustic insulation above”.

Reason - In order to protect the existing residential amenity of the neighbourhood.

(04) CYCLE PARKING

The use hereby authorised shall not take place unless the cycle stands identified in the approved site plan (ref. LAS24079-04D) have been implemented in full. The approved use shall not operate unless the approved stands are thereafter retained.

Reason - In order to encourage sustainable transport.

(05) LITTER / RECYCLING BINS

The use hereby approved shall not take place unless litter and recycling bins have been provided for the use of customers of the premises on the external area at the Watson Street frontage of the site.

Reason – In order to preserve the amenity of the neighbourhood and reduce risk of litter generation.

(06) HOURS OF OPERATION

The premises shall not be open for business outwith the hours of 07.00-19.00 on Monday to Saturday and 09.00- 17.00 on Sundays.

Reason - In order to protect the existing residential amenity of the neighbourhood.

ADVISORY NOTES FOR APPLICANT

1. Odour Management

It is recommended that the operator of the premises establishes a written Odour Management Plan including cleaning and maintenance procedures for the plant (based on extent of use) in accordance with manufacturers guidelines and recommendations in Section 5.3.10 of the Odour Assessment (TKM Ventilation Services, 29th July 2025) in order to reduce risk of malodour and statutory nuisance