

UNDER CENTRAL ARCH, UNION  
TERRACE GARDENS, UNION TERRACE

PROPOSED TEMPORARY CAFE WITHIN  
TIMBER SUMMERHOUSE AND  
EXTERNAL SEATING AREA

For: Mr Steve Bothwell

Application Ref. : P120427  
Application Date : 09/04/2012  
Officer : Gareth Allison  
Ward: Midsocket/Rosemount (B Cormie/J  
Laing/F Forsyth)

Advert : Section 60/65 - Dev  
aff LB/CA  
Advertised on : 02/05/2012  
Committee Date : 4 June 2012  
Community Council : Comments



**RECOMMENDATION: Approve subject to conditions**

## **DESCRIPTION**

The application site is located within Union Terrace Gardens and refers to an area located within the Union Street Conservation Area and beneath an existing archway, which is listed. The specific space beneath the archway and the adjacent area are not currently used for any definitive use.

## **HISTORY**

There is no relevant planning history relating to the application site.

## **PROPOSAL**

The application seeks permission for the erection of a temporary café cabin within the space underneath the archway, with the space adjacent to the archway providing a seating area for customers. The proposal would, in essence, comprise of a timber clad and timber framed cabin and would not be physically connected to the archway itself. Located under cover of the archway, a timber screen would be fitted around the cabin to secure the unit and close off the areas surrounding it. Access to the areas behind this screen would be achieved through concealed, secure gates. The temporary nature of the unit is clear through the lack of foundations and minimum fixings to the existing fabric. Although described as a café, the precise nature of the unit would incorporate the preparation of food and drinks off-site to be delivered to the unit for serving to the public on a daily basis. In this sense there are no proposals for plumbing, sanitary/toilet provision, or areas of preparation within the unit. Power would be supplied via generator which would be located to the secure area behind the cabin, accessible only via the secure gates in the timber screening. It is noted that whilst the archway is listed, Listed Building Consent is not required as the proposal, whilst located under the archway, would not be physically connected to it with the exception of the timber screening.

## **REASON FOR REFERRAL TO SUB-COMMITTEE**

It requires to be presented to Committee Members as per the current scheme of delegation, by reason that Aberdeen City Council (the planning authority) is the current land owner.

## **CONSULTATIONS**

ROADS SECTION –	No observations
COMMUNITY COUNCIL –	Support the application
ENVIRONMENTAL HEALTH –	Concerns noted regarding the intended operation, summarised as follows:

- Lack of provision of adequate ventilation to the generator behind the unit;
- Lack of provision of hygiene facilities, i.e. sink, wash hand basin and plumbing and drainage thereto;
- Lack of details of the intended range of food and drink to be served; and
- Lack of indication of the location of toilet facilities.

The above concerns are addressed in the evaluation section below.

## REPRESENTATIONS

3 No. letters of representation have been received; a letter of support from Rosemount & Mile End Community Council, 1 No. additional letter of support and 1 No. objection. The concerns noted in the letter of objection can be summarised as follows:

- Lack of provision of suitable sanitary provision for staff or customers; and
- The structure, by way of attachment to existing walls, could pose a danger to the structural integrity of the road above.

The above concerns are addressed in the evaluation section below.

## PLANNING POLICY

### 1. Aberdeen Local Development Plan Policy

OP98 Denburn Valley/Belmont Street/Union Terrace: *options for the future of the gardens are currently under consideration.*

Policy NE1 – Green Space Network: *proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.*

Policy NE3 – Urban Green Space: *permission will not be granted for any use other than recreation or sport. Development will only be acceptable provided that there is no significant loss to the landscape character and amenity of the site and adjoining areas; public access is either maintained or enhanced; the site is of no significant wildlife or heritage value; and there is no loss of established or mature trees.*

### 2. Supplementary Guidance

Temporary Buildings Design Guide: *provides guidance on determining proposals for temporary buildings.*

## EVALUATION

The application has been assessed in accordance with the Local Development Plan and related guidance, having regard for all material considerations. The key areas for consideration in this instance are the proposed temporary use of the land, and the impact the development may have on the existing fabric of the application site and the wider conservation area. Following a detailed assessment of the site and the submitted plans, the subsequent conclusions have been reached.

### OP98 Denburn Valley/Belmont Street/Union Terrace

- The application is to be assessed on its own merits having regard for the existing use of the site.
- By way of its temporary nature, the proposed development would not conflict with, or have any impact on the consideration of any future scheme for Union Terrace Gardens.

### Impact on Green Space Network

- Although located within Union Terrace Gardens, the application site refers specifically to the area underneath the archway and the immediate area of land adjacent to this, the nature of which is not considered to have any direct contribution to the Green Space Network.

- By way of its location, nature and temporary time-scale, the proposed development would not have any impact upon the wider character or function of the Green Space Network within Union Terrace Gardens.

#### Impact on Urban Green Space

- For the same reasons there would be no loss of landscape character or amenity within the site and adjoining areas.
- The heritage value of the archway is acknowledged through its listing, however the application site; being the area of ground underneath the arch and the space adjacent to it; is not considered in its own rights to be of any significant value.
- There is sufficient space to accommodate the seating and tables without causing hazard to pedestrian users or their movement within the gardens.
- There would be no impact on wildlife, existing trees or landscaping within the gardens.

#### Impact on Historic Environment

- The proposed cabin and seating area would not be considered detrimental to the character of the conservation area; indeed they may actually enhance this character through the provision of an additional, active public feature.
- The cabin would not be physically attached to the archway, only the timber screening. Such a proposal would have no impact on the structural integrity of the archway or Union Terrace.
- On account of minimal fixings, the proposed scale and the temporary nature of the proposal, the long term viability and visual aesthetics of the listed archway would be relatively unaffected.
- The Council's Conservation Officer has no objections to the application.

#### Proposed Timescale

- In the long term, and having regard for the nature of the proposed use, it is considered that a time-scale of 1 No. year is acceptable.
- In this respect, conditions are attached to ensure that the site is reinstated to its current state, in full, following expiration of 1 No. year from the date of decision.
- Should the applicant wish to continue with the use outwith this period, an application to extend the time-scale would be required.

#### Environmental Health Issues

- The Council's Environmental Health Officer has noted various concerns relating to the use of the proposal, in particular the lack of specific features such as sanitary provision, ventilation etc.
- However the lack of such provisions to a temporary structure would not justify refusal of the application on planning terms. It is the responsibility of the applicant to ensure that minimum standards required by Environmental Health are met.

Taking deliberation of the above and the appropriate guidelines available, the Council is satisfied that the short-term impact of the proposal would not conflict with the Local Development Plan and would not oppose the long term recreational use of the site subject to the appropriate conditions. The long term vitality, use and amenity of the application site and the wider conservation area would be retained and preserved.

## **RECOMMENDATION**

**Approve subject to conditions**

### **REASONS FOR RECOMMENDATION**

The proposal is considered acceptable under the Aberdeen Local Development Plan and supplementary guidance, subject to appropriate conditions, in that it would not oppose the long term recreational use of the site. The vitality, use and amenity of the application site and the wider conservation area would be preserved.

**it is recommended that approval is granted with the following condition(s):**

(1) that the temporary building hereby granted planning permission shall not remain on the site after a period of one year expiring on 14/06/13 - that the character and siting of the structure is not such as to warrant its retention for a period longer than that specified in this permission.

(2) that following the expiry of the one year period hereby granted, the approved development must be removed and the site shall be made good, in accordance with a scheme to be submitted and approved in writing by the Planning Authority, within 1 month of such removal - to minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory condition.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.