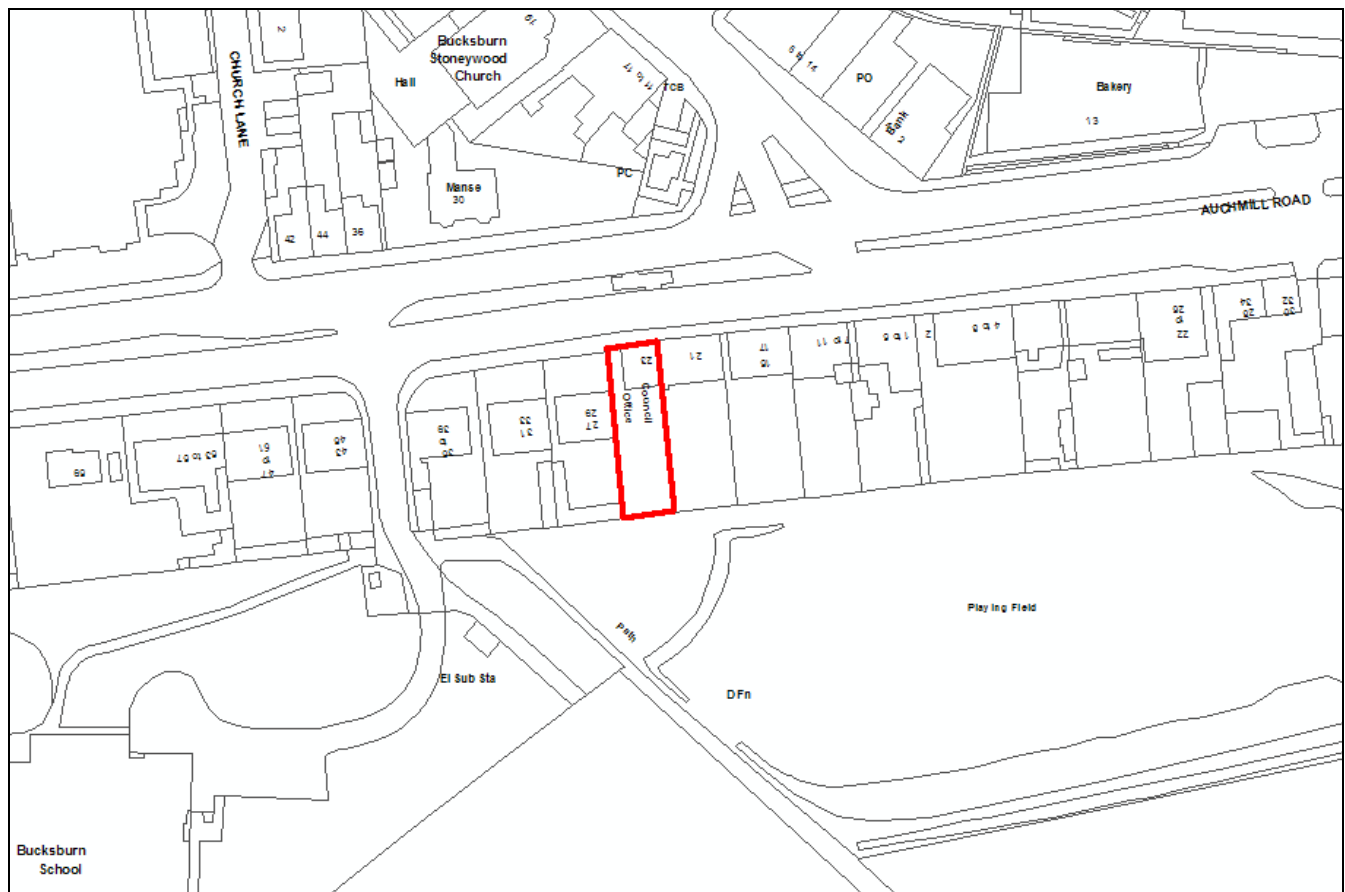


23-25 INVERURIE ROAD, BUCKSBURN

ALTERATIONS, EXTENSION AND  
CHANGE OF USE TO FORM  
RESTAURANT/CAFE TO EXISTING  
PREMISES

For: Cater Corporation

Application Ref.	: P120751	Advert	: Section 34 -Proj. Pub.
Application Date	: 23/05/2012	Concern	
Officer	: Matthew Easton	Advertised on	: 06/06/2012
Ward:	Dyce/Bucksburn/Danestone(B	Committee Date	: 8 November 2012
Crockett/G	Lawrence/N MacGregor/G	Community Council	: No response received
Samarai)			



**RECOMMENDATION: Approve subject to conditions**

## **DESCRIPTION**

The application site is located on the south side of Inverurie Road, opposite the junction with Old Meldrum Road to the north.

The premises comprise a 1½ storey building of traditional appearance featuring a pitched roof, dormer windows and harled walls. The building was formerly used as a registrars office as part of the City Council's Bucksburn area office. The building sits hard up against the pavement. The overall floor space is 114m<sup>2</sup> and there is an area of garden ground to the rear which is approximately 25m in length.

Immediately next door to the east is a vacant property of similar size which also sits hard up against the pavement, in common with most buildings to the east along Inverurie Road. It also formed part of the Bucksburn area office.

To the west is a 1½ storey building comprising two flats (27 and 29 Inverurie Road) which are set back from the application premises by approximately 8.5m. To the south (rear) is a playing field associated with Bucksburn Primary School.

The surrounding area is dominated by Inverurie Road (which is the A96 trunk road) and is characterised by a mix of residential properties and local services such as banks, a chemist, a post office and small shops.

## **PROPOSAL**

It is proposed to change the use of the premises to Class 3 (Food and Drink) to allow it to be opened as a restaurant.

An extension would be constructed at the rear of the building. It would be the width of the building (7m) and project 8m from the rear elevation. It would be single storey with a pitched roof which would have a maximum of 4m tall and finished in dark grey profiled metal roof cladding. The walls would be finished in grey roughcast and feature white PVCu windows and a timber door. The finished gross floorspace of the building would be 174m<sup>2</sup>.

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

The application is before the Sub-Committee for three reasons –

- the Council currently own the premises;
- it is considered to be a Schedule 3 (Bad Neighbour) development; and
- six objections have been received.

## **CONSULTATIONS**

**ROADS SECTION** – A total of 14 parking spaces should be provided for this proposal however none have been provided. However it has been shown that there are adequate car parking spaces in the vicinity of the development to assimilate any parking requirements for the proposal, especially in the car park on Station Road. The site is well served by public transport.

**ENVIRONMENTAL HEALTH** – No objection to the approval of the application on the understanding that suitable conditions are attached addressing extraction, ventilation and filtration of cooking fumes, noise impact and mitigation and provision of waste storage facilities.

**COMMUNITY COUNCIL** – No response received.

**TRANSPORT SCOTLAND** – Do not advise against the granting of planning permission. The existing parking restrictions will prevent parking on the trunk road in the vicinity of this development.

**BAA (ABERDEEN AIRPORT)** – No safeguarding objection to the proposal. Advice provided on the use of cranes and waste management.

## **REPRESENTATIONS**

Six letters of objection have been received to the proposal. In summary, the following matters of concern have been raised –

- Impact upon privacy and amenity to 29 Inverurie Road.
- Potential for an outside smoking area to cause disturbance.
- Concern with disposal of waste
- Concern with extraction and ventilation of cooking odours.
- Potential for more traffic to be generated by development.
- The development would exacerbate existing parking problems and is in close proximity to a pedestrian crossing.
- The premises are near a primary school.
- The potential for litter to be a problem.
- Concern that 21 Inverurie Road is vacant.

## **PLANNING POLICY**

### ***Aberdeen Local Development Plan (2012)***

Policy T2 (Managing the Transport Impact of Development) – New developments will need to demonstrate that sufficient measures have been taken to minimize traffic generated.

Policy D1 (Architecture and Placemaking) – To ensure high standard of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with spaces around buildings, including streets, squares, open space, landscape and boundary treatments, will be considered in assessing that contribution.

Policy H1 (Residential Areas) – Within existing residential areas, proposals for new residential development will be approved in principle if it does not constitute overdevelopment; does not have an unacceptable impact on the character or amenity of the surrounding area; does not result in the loss of valuable areas of open space and complies with supplementary guidance on curtilage splits.

The site is zoned as a neighbourhood centre where Policy RT3 (Town, District and Neighbourhood Centres) applies – Proposals for change of use from retail to another use will only be permitted if –

- The proposed alternative adds to the viability and vitality of the area.
- It will not undermine the principal retail function of the area.
- A lack of demand for the continued retail use can be demonstrated.
- The proposed use caters for a local need.
- A live street frontage is created or maintained.

Policy BI4 (Aberdeen Airport and Harbour) – Due regard will be paid to the safety, amenity impacts on an efficiency of uses in the vicinity of the airport and harbour.

## **EVALUATION**

The site is located within a residential area and is also zoned as a neighbourhood centre. Therefore the proposal has to be assessed against the criteria set out in Policies H1 and RT3 in order to determine whether the principle of the use would be acceptable.

### **Principle of Use**

A restaurant is considered to be a complementary use within a residential area and generally would have minimal impact upon the amenity of those living in the area. Therefore in principle the proposed use would comply with Policy H1 (Residential Areas). Site specific issues in terms of this policy are assessed further on in this report.

A proliferation of non-retail uses can affect the viability and vitality of a shopping area and therefore Class 1 (Shops) use are subject to protection through Policy RT3 (Town, District and Neighbourhood Centres). In this instance the premises are not Class 1 at present and therefore the criteria within Policy RT3 do not need to be met in order for the proposed use to be acceptable.

Nonetheless, it is considered that the proposal would contribute towards the broad aims of Policy RT3 which is to maintain the viability and vitality of town, district and neighbourhood centres and ensure that their retail function is not undermined.

Although the specific use which the application describes would be restaurant, Class 3 (Food and Drink) allows a range of similar businesses such as a café or coffee shop to operate from the premises should permission be granted. These are all considered as acceptable uses within a neighbourhood centre and are likely to contribute towards the viability and vitality of the area.

The introduction of a class 3 use would increase the diversity of uses within the area which is considered to be desirable.

### **Traffic / Parking**

Concern has been raised that the premises would attract additional traffic. The existing premises when operating as the City Council's Bucksburn area office would have attracted a certain amount of vehicular traffic. Although the building would be extended, it is not considered that the traffic generated by a class 3 use at the site would be significantly different from that which the previous use generated. Neither the Council's roads service nor Transport Scotland (in relation to the A96 trunk road) have raised concerns with traffic generation from the proposed development.

In terms of the current parking guidelines, the previous office use would have required three parking spaces and the proposed Class 3 use, fourteen spaces.

On-street parking is available within a lay-by on Auchmill Road approximately 100m to the east and on Oldmeldrum Road 100m to the north. There is a public car park on Station Road approximately 90m to the north which provides 43 spaces. The applicant has carried out a simple visual survey of parking capacity and advises that there would normally be spare capacity. Service vehicles would use the lay-by on Auchmill Road.

The Council's roads service considers that there would be adequate car parking in the vicinity of the development and do not object to the proposal. Transport Scotland comment that existing parking restrictions will prevent parking on the A96 trunk road and do not advise against the granting of planning permission.

The proximity of a pedestrian crossing is not considered to be a problem; indeed as noted by Transport Scotland, the 'at any time' parking restrictions associated with the crossing would deter customers from indiscriminate parking outside the premises.

However, Class 3 (Food and Drink) use permits a minor element of takeaway to take place from the premises. Motorists are more likely to park indiscriminately to stop if there is a takeaway service available and therefore in order to further minimise the chance of this occurring, a condition has been attached which prohibits a takeaway service from being provided. This would also limit the disturbance potential for disturbance to affect nearby residents.

In summary, it is considered that that the effect on the existing traffic and parking situation would be insignificant and that the proposal complies with Policy T2 (Managing the Transport Impact of Development).

### **Amenity**

A restaurant use has the potential to impact upon existing residential amenity through a variety of means such as noise, cooking odours and waste generation.

The applicant has advised that the proposed opening hours would be 1600 – 2300, seven days a week. Although the area is zoned as residential, there are a number of nearby uses such as the Britannia Hotel and Staging Post pub which would generate activity into the late evening. Inverurie Road is a busy route and traffic would create a degree of disturbance. Given the existing level of activity in the area, it is not considered that the introduction of the restaurant would result in an unacceptable level of disturbance being experienced by residents in the area.

However, there is the potential for equipment such as mechanical plant to generate noise at the back of the premises, which would generally be quieter than on the street. Therefore on the advice of the Environmental Health service a condition has been attached requiring a noise assessment to be carried out. 2300 is considered a reasonable time for the restaurant to close and a condition has been attached reflecting this.

A condition has been attached requiring details of the extract system to be installed as recommended the Environmental Health service. It is considered that with a suitable system installed there would be no adverse impact upon the amenity of the area in terms of cooking odours.

No outside smoking area is proposed as part of the submitted plans. However as the garden would form part of the Class 3 (Food and Drink) use of the site if approved, it could be used by smokers without any planning permission being required as long as no physical development was proposed. The layout of the proposed premises would locate the kitchen and staff area at the rear of the building, therefore making it unlikely customers would be in the garden area beyond. However, in order to be sure that the residential properties at 27 and 29 Inverurie Road are not unreasonably disturbed or experience a reduction in the privacy they enjoy, a condition has been attached restricting the use of the rear garden.

No indication has been provided as to where waste would be stored. Therefore a condition has been attached requiring details to be submitted. This would address the requirements of the Environmental Health service and BAA (Aberdeen Airport).

Concerns have been raised with regards to the generation of litter from the premises. A Class 3 (Food and Drink) use is for consumption of food on the premises rather than for takeaway and therefore the potential for litter to be generated is limited. Furthermore as described earlier in this report, the option for an ancillary takeaway element to be offered as part of the business would be restricted. For this reason and in the absence of litter being raised as an issue by Environmental Health service, requiring a litter bin outside the premises could not be justified.

### **Physical Work**

The proposed extension would project 8.5m along the mutual boundary with 19-21 Inverurie Road (the other half of the former Bucksburn area office) and the slope of the garden would be cut into to allow the extension to be built with an even floor level. This would result in the wall head height being between 1.5m and 2.5m relative to the garden ground in the adjoining site.

Normally this would raise issues with daylight reaching the windows of the neighbouring building, however the adjacent premises are in non-residential use and therefore matters of daylight are considered less important than if the premises were in residential use. Furthermore the premises have been vacant for some time now and with no future use yet identified, it would be unreasonable to jeopardise the occupation of the application premises by requiring the extension to be reduced in size for daylight reasons.

There would be no impact in terms of daylight or overshadowing with the neighbouring residential properties at 27/29 Inverurie Road because the extension would be beside its gable and would not extend past the rear of the building.

The extension is of a simple design and considered to have taken into its context. The proposal would comply with Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking).

### **Other Matters**

- Concern has been raised by an objector due to the application site's close proximity to Bucksburn Primary School (approximately 75m away on foot to the school gates). It is not been made clear why this would be a matter of concern, however it is not considered that the proximity of the school would be an issue.
- The fact that the adjoining premises at 21 Inverurie Road are vacant has been raised as a concern. This is not considered to be a matter relevant to the assessment of this application.
- BAA (Aberdeen Airport) advise that there would be no safeguarding objection raised with the development. However advice is provided on the use of cranes which will be passed to the applicant and a condition has been attached requiring details of waste storage to ensure that birds are not

attracted to the area. Due regard has been given to the safeguarding of Aberdeen Airport as required by Policy BI4.

## **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

A restaurant use at this location is considered to be acceptable in terms of the vitality and viability of the neighbourhood centre and be in accordance with the aims of Policy RT3. The general amenity of the area would be maintained as required by Policy H1 and specific issues dealt with through conditions relating to noise, cooking odours, waste disposal and opening hours. The impact upon traffic generation and parking would be insignificant and no objections have been received from Transport Scotland or the roads authority. The proposal is in accordance with Policy T2. The extension has been designed with due consideration of its context and complies with Policy D1 and due regard has been given to the safeguarding of Aberdeen Airport as required by Policy BI4.

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

(1) that the use hereby granted planning permission shall not take place unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from the premises has been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation – in order to preserve the amenity of the neighbourhood.

(2) that no part of this development shall take place unless a detailed assessment of the likely sources and levels of noise arising within, and those audible outwith, the premises has been submitted to, and approved in writing by, the planning authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant. All noise attenuation measures identified by the noise assessment which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area shall be installed prior to commencement of the use hereby approved, unless the planning authority has given prior written approval for a variation - in the interests of protecting residential properties from noise.

(3) that the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority. Refuse storage containers should be self-closing in order to minimise their attraction to birds - in the interests of public health and the safeguarding of Aberdeen Airport.

(4) that the premises shall not be open for business outwith the hours of 0700 and 2300 - in order to protect nearby residents from unreasonable disturbance.



(5) that the garden ground associated with the premises shall not be used for outside dining - in order to protect nearby residents from unreasonable disturbance.

(6) that notwithstanding the provision of paragraph 16 of Circular 1/1998 no hot food takeaway service shall be provided as part of the Class 3 (Food and Drink) use at the premises – in order to prevent indiscriminate parking on Inverurie Road and to protect the amenity of nearby residents.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.