



Supplementary Guidance

Topic: Harmony of Uses –
Residential, Licensed
Premises and Commercial
Uses

March 2012

This Supplementary Guidance (SG) covers many licensing and mixed-use issues within and outwith the City Centre. It provides guidance on the circumstances where development proposals for specific uses may be permitted in the City, as well as the issues that might need to be addressed when a proposal has the potential to conflict with neighbouring land uses.

Several issues are covered in this report:

- Hot Food Takeaways;
- Liquor Licensed Premises (with exceptions to hotels, restaurants, cafes and off-licenses);
- Street cafes;
- Amusement Centres and Arcades;
- Living/ Working Above or Below a Business; and
- Residential Developments in the City Centre

Objectives and Revised Policy Guidelines

This SG has taken into account relevant Local Development Plan objectives for the City, with special reference to the City Centre vision. Therefore, this SG is required to work within these objectives and vision to achieve a degree of balance where there may be potential conflict between these aims and development.

Hot Food Takeaways

Introduction

Proposals for hot food take-aways require to be given careful consideration as they raise sensitive amenity issues for neighbouring properties and land uses, for example the adverse effect of noise, smell and litter on residential properties. This is particularly the case with the City Centre, where hot food take-aways have continued to increase in number along with a similar rise in the provision of additional housing in the City Centre. Therefore, there are potential conflicts between the different uses which may give cause for concern.

It is proposed in this SG to use the term 'hot food shop' as the definition of a premises for which the main use is selling hot food for take-away, although such businesses may also operate as a restaurant/cafe. It should be noted, however, that the review is not intended to apply to restaurant/cafes where there is no substantial take-away element.

Background

Hot food shops have continued to multiply in number in the City and, since 1983, planning permissions has been granted for many new premises in the City Centre. In the same period a similar number of hot food shops have been refused planning permission. Some of these refusals were challenged by way of appeal and a proportion of these were sustained and received planning permission.

Relevant Local Plan Policies

Local Development Plan policies are an important factor in determining the merits of hot food shop proposals.

Outwith the City Centre

In Residential Areas, H1, in the Local Development Plan, uses other than residential will not be permitted unless these are regarded as complementary to residential use, such as community facilities, schools, open space, churches, local shops (Class 1) etc. Other activities which would include hot food shops will not be permitted unless the Council can be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

In Mixed Use Residential Areas, H2, there is a presumption against the introduction of other activities including hot food shops, unless the development would cause no conflict with or any nuisance to residential amenity.

In assessing hot food shop proposals within town centres, district centres and

neighbourhood centres, consideration will be given to whether or not a proposal will:

- _ make a positive contribution to the overall viability of a centre
- _ bring into use a vacant unit with consideration given to the length of time a unit has been vacant
- _ provide a locally required service
- _ retain an acceptable level of 'live' frontage
- _ be strategically situated within a shopping centre e.g. it is important that corner shop units provide live shop window displays to enhance the attraction of a shopping centre

Within the City Centre

Within the City Centre, applications for the introduction of Class 3 uses at street level are assessed for their likely effect on the vitality of shopping.

Along Union Street, proposals are assessed against the recommended minimum retail percentages as set down in the Council's 'Union Street Frontages Policy Guidelines'.

Within the City Centre Business District (CCBZ) there is a presumption in favour of retaining and developing commercial uses which includes the provision of restaurants.

Planning applications for hot food shops located outside these specified areas will be considered on their individual planning merits and will be assessed against any other relevant planning policies.

Role of Other Council Departments

The Council's Licensing Committee has responsibility for granting licences in terms of the Civic Government (Scotland) Act 1982. With regard to the sale of hot food, the Committee's responsibility is confined to the granting of late hours catering licences and street trader licences. Street trader licences are required where hot food is sold for take-away from mobile vans and trailers located in a public place.

Food premises, including hot food shops, are required to be registered with Environmental Health in accordance with the Food and Safety Act 1990. Officers of this Section can enter catering premises to ensure that the provisions of the Act are being fully complied with. Offences include the selling of food which has been contaminated by extraneous matter, is unfit for human consumption and fails to meet food hygiene standards.

Environmental Health also has statutory obligations under a range of pollution control legislation. With regard to hot food shops the main areas of concern to that Section are noise, air and litter pollution. The Government has published a Code of Practice in accordance with the Environmental Protection Act 1990 which lays down standards of cleanliness with regards to litter and refuse. Residential amenity can be adversely affected by fumes and odours generated by hot food shops or noise generated by customers, particularly where premises are open after 11pm. In this respect Planning & Infrastructure is assisted by Environmental Health on the likely effect of noise and smell arising from hot food proposals.

Issues

Amenity

The impact on amenity, and in particular residential amenity, is one of the major issues raised by hot food shop proposals. Factors which can adversely affect amenity include noise, smell and litter.

Noise nuisance can arise from both within and without hot food shop premises and may be generated by traffic, playing of music from radios and juke boxes, the operation of cooking and ventilation equipment, groups of people etc. Noise can be particularly intrusive late in the evening.

Nuisance from smells derives mainly from cooking, especially where frying operations are employed. Unpleasant odours however may arise from rubbish awaiting collection.

The impact of litter is recognised as being significant to planning control and therefore relevant in terms of amenity. This is of particular relevance, given that it would be unrealistic to suppose that litter could be prevented even by a cleansing service or hot food shop litter patrol.

The impact of ventilation ducting, attached to the exterior of buildings can be visually intrusive. This is of particular concern where the appearance of Listed Buildings and Conservation Areas may be adversely affected and where ducting passes close to windows in upper floors of premises containing a lower floor hot food shop.

Residential amenity can be adversely affected by the clustering of hot food shops, particularly in the City Centre, which is a reflection of the commercial and business nature of the area. It is also the case that hot food shops in the City Centre are generally open later, as permitted by their late hours catering license. Whilst levels of residential amenity in the City Centre, without residential areas, are not expected to match those of more peripheral residential areas, a reasonable standard of amenity at all times is highly desirable. This is essential given that the Council's housing policies have consistently sought to encourage housing as a prominent land use in the City Centre. The proximity of hot food

shops to housing, however, can lead to conflict, particularly where late hours of opening are involved. The conflict can also be directly related to licensed premises in the City Centre, whose patrons provide much of the business for hot food shops, especially in the late evening and early morning.

Outwith the City Centre hot food shops generally seek to locate in district or local shopping centres. In many cases such centres are located beside or within residential areas. The importance of residential amenity in such areas is generally higher than for a City Centre location, especially if there are no other potential amenity conflicts such as licensed premises or a busy road.

Traffic and Parking

Hot food shops attract a proportion of car borne customers, for which there is rarely adequate on or off-street parking available nearby. The consequence of this is often badly or illegally parked vehicles which can block visibility for both drivers and pedestrians, interfere with traffic signal controlled junctions and reduce the capacity of main roads. A major issue here is the threat to road safety. The attraction of car borne customers can also be to the detriment of residential amenity through noise, particularly in cases of late opening and through overspill parking in nearby residential streets. Whilst the problems of parking and traffic apply generally to hot food shops, the situation is less serious in the City Centre, where a greater proportion of customers arrive on foot and on street traffic restrictions act as a deterrent to illegal and indiscriminate parking, especially if it is believed that the restrictions will be enforced by the police.

Late Hours Catering Licences and Street Traders

The Council's Licensing Committee, as stated earlier in the report, is responsible for the granting of late hours catering licences for hot food shops. It has guidelines restricting the terminal hours for trading. However, the planning authority may also, when granting planning permission, impose conditions limiting the opening hours of hot food shops on amenity grounds. In certain instances more onerous opening hours may be imposed in this way. However, it should be emphasised that such conditions would not be imposed without strong justification, e.g. to enable a development to proceed where it might otherwise be necessary to refuse planning permission.

The Licensing Committee also has responsibility for the granting of licences for street traders which are issued on an annual basis. In terms of the Licensing Committee's guidelines, all licence holders are required to specify precisely the location or locations, days and times at which they propose to trade. Though in many cases outwith planning control, street trader operations may adversely affect residential and visual amenity. It will be necessary, therefore, for representations to continue to be made by Planning and Infrastructure to the Licensing Committee where street traders operations may adversely affect amenity. Where a street trader's operation is considered to constitute

development in terms of the Planning Acts, planning permission will be required otherwise enforcement proceedings will be initiated.

No planning permission is usually required for hot food vans as they are not permanent fixtures. However, several traders operate from retail and commercial operator's car parks, often occupying designated car parking spaces or traffic circulation space. This reduces the amount of spaces available and may also increase the volume of traffic attracted to the area. Depending upon the degree of permanency and whether or not the use by the trader can be considered to be ancillary to the overall use of the site, such situations may constitute a material change of use of the land or contravene a condition of planning permission in which case it may be necessary to take enforcement action under the Planning Acts.

Revised Hot Food Shop Policy Guidelines

The Council's aims and objectives for the City Centre differ from those for the rest of the City, in recognition of the different functions of these areas. This document takes account of the issues referred to earlier in this report and link closely with the Local Plan policies.

The following guidelines provide criteria to help assess the suitability of applications for hot food shops in the City Centre:

City Centre

(i) In order to safeguard residential amenity proposals for hot food shops in areas allocated as, and adjacent to, Residential Areas will not be permitted, unless the Council is satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity;

(ii) On Union Street, hot food shops at ground floor level will require to comply with the Union Street Frontage Guidelines. Policy C2 City Centre Business Zone and Union Street may also apply. Where the Frontages Guidelines allow, permission may be granted for a hot food shop provided none of the upper floors of the application property or adjacent properties are in residential use, in order to safeguard residential amenity. Special consideration may be given to granting permission where there are residential flats above if the operation involves only reheating of pre-cooked foods by means of microwave ovens. In such situations conditions may also be required regarding soundproofing and restrictions on hours of operation. Prior to granting approval, the Council requires to be satisfied that suitable arrangements have been made for litter disposal, in order to preserve the amenity of Union Street

(iii) Hot food shop proposals in streets in the City Centre Business Zone other than Union Street require in the first instance to comply with the City Centre Business Zone Policy C2. Where the policy allows, permission may be granted for a hot food shop provided none of the upper floors of the application property or adjacent properties are in residential use and/or the amenity of other existing

housing, sites zoned for housing, or land identified as suitable for housing in the Local Development Plan, would not be adversely affected by such proposals.

(iv) In all other areas of the City Centre zoned as mixed use (H2) in the Local Development Plan, proposals for hot food shops will be considered on their individual planning merits. Approval will not normally be granted however, if the upper floors of the application property or adjacent properties are in residential use and/or the amenity of other existing housing, sites zoned for housing, or land identified as suitable for housing in the Local Development Plan, would be adversely affected by proposals.

Remainder of the City

(i) There will be a presumption against the location of hot food shops in areas allocated as, and immediately adjacent to, Residential Areas and Mixed Use Residential Areas in order to safeguard residential amenity. Where fringe, linear, local or district shopping centres are located in Residential and Mixed Use Residential areas, proposals for hot food shops in such centres require in the first instance to be assessed against the criteria set down in the Local Development Plan Policy RT3 - Town, District and Neighbourhood Centres. Where that policy allows, permission may be granted for a hot food shop provided no upper floors of the application property or adjacent properties are in residential use and or the amenity of the Residential and Mixed Use Residential areas would not be adversely affected by such proposals.

(ii) In all other areas of the City outwith the City Centre, proposals for hot food shops will be considered on their individual planning merits. Approval will not normally be granted, however, if the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, H1 and H2, or identified as suitable for housing in the Local Development Plan, would be adversely affected by proposals.

(iii) Where the scale of operations of hot food sales from fuel filling stations is considered to be a material change of use and therefore requiring planning permission, applications will be considered on the basis of the Local Development Plan Policy area within which they are located and reference will then be made to the sub-sections above.

In addition to satisfying the guidelines as set down above, applications for hot food shops should allow satisfactory arrangements for parking and access or, depending on the circumstances, an improvement on the current authorized situation. Proposals to locate hot food shops on principal and main distributor roads will be assessed against their potential to adversely affect road safety, particularly where they are proposed to be located in close proximity to pelican crossings. Car parking will be assessed on parking standards and their own merits in consultation with the Roads Section.

The Planning Authority will also require to be satisfied that hot food shop proposals can provide adequate means of extracting, treating and dispersing odours without an unduly adverse effect on residential and visual amenity.

Details of the proposed ventilation system must be submitted as part of any planning application.

Hot food shop proposals require by law to be advertised as projects of “public concern”. The level of representation is a material consideration to take into account in assessing the merits of a particular proposal, providing that comments relate to planning matters and are received within the statutory consultation period.

Conclusions and Recommendations

Conclusions

The location of hot food shops is a sensitive issue with the public and the Planning Authority because of their potential impact on amenity. The Council is rightly proud of its high amenity standards. This care for environmental standards has to be carefully balanced against the need to make provision for hot food shops which offer a service to the public and whose products are much in demand. The revised guidelines link closely with the Local Development Plan policies forming an important benchmark for determining planning applications within and outwith the City Centre.

Liquor Licensed Premises

Introduction

Similar to hot food take-aways, liquor licensed premises proposals require to be given careful consideration as they generally raise sensitive amenity issues such as noise. This is particularly the case with the City Centre, where liquor licensed premises have continued to increase in number. Along with this there has been the increased activity in the provision of additional housing in the City Centre. Therefore, there are potential conflicts between the different uses which may give cause for concern.

It is proposed in this SG to use the term 'liquor licensed premises' as the definition of a unit that sells alcohol for consumption on and/or off the premises. However, there is an exception for liquor licensed premises that take the form of a small hotel, restaurant, café and off-licensed premises.

Relevant Local Development Plan Policies

Local Development Plan policies are an important factor in determining the merits of liquor licensed premises proposals.

Outwith the City Centre

In Residential Areas, H1, in the Local Development Plan, uses other than residential will not be permitted unless these are regarded as complementary to residential use, such as community facilities, schools, open space, churches, local shops (Class 1) etc. Other activities which would include liquor licensed premises will not be permitted unless the Council can be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

In Mixed Use Residential Areas, H2, there is a presumption against the introduction of other activities including liquor licensed premises, unless the development would cause no conflict with or any nuisance to residential amenity.

In assessing liquor licensed premises proposals within town centres, district centres and neighbourhood centres, consideration will be given to whether or not a proposal will:

- _ make a positive contribution to the overall viability of a centre
- _ bring into use a vacant unit with consideration given to the length of time a unit has been vacant
- _ provide a locally required service
- _ retain an acceptable level of 'live' frontage
- _ be strategically situated within a shopping centre eg it is important that corner shop units provide live shop window displays to enhance the attraction of a shopping centre

Within the City Centre

Within the City Centre Business Zone (C2) applications for the introduction of a non-Class 1 (Retail) uses at street level are assessed for their likely effect on the vitality of shopping.

Along Union Street, proposals are assessed against the recommended minimum retail percentages as set down in the Council's 'Union Street Frontages Policy Guidelines'.

Within the City Centre Business Zone areas there is a presumption in favour of retaining and developing commercial uses which includes the provision of restaurants.

In other Local Development Plan policy areas applications for liquor licensed premises are considered on their individual planning merits. Proposals require, however, to be in accordance with other approved planning policies of the Council.

Role of Other Council Services

The Council's Licensing Board has responsibility for granting liquor licences in terms of the Licensing (Scotland) Act 2005. With regard to these liquor licensed premises, the Board's responsibility is to determine a variety of applications in respect of premises and personal licences which are required for the sale of liquor.

Amenity Issues

The impact on amenity, and in particular residential amenity, is one of the major issues raised by liquor licensed premises proposals. Factors which can adversely affect amenity include noise and anti-social behaviour.

Noise nuisance can arise from both within and outwith liquor licensed premises and may be generated by playing of music from music sound systems and juke boxes, deliveries and groups of people etc. Noise can be particularly intrusive late in the evening.

Revised Licensed Premises Guidelines

The Council's aims and objectives for the City Centre differ in part from those for the rest of the City, in recognition of the different functions of these areas. This SG seeks to take into account of the issues referred to earlier in this report and link closely with the Local Development Plan policies.

The following guidelines are suggested to help assess the suitability of applications for licensed premises within the City Centre:

City Centre

(i) There will be a presumption against the location of liquor licensed premises in areas allocated as, and adjacent to, Residential Areas in order to safeguard residential amenity. Such proposals could only be permitted if the Council were to be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity

(ii) On Union Street, liquor licensed premises at ground floor level will require to comply with the Union Street Frontage Guidelines. Policy C2 City Centre Business Zone and Union Street may also apply. Where the Frontages Guidelines allow, permission may be granted for a liquor licensed premises provided none of the upper floors of the application property or adjacent properties are in residential use, in order to safeguard residential amenity.

(iii) Liquor licensed premises in streets in the City Centre Business Zone other than Union Street require in the first instance to comply with the City Centre Business Zone policy. Where the policy allows, permission may be granted for a liquor licensed premises provided none of the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, or identified as suitable for housing in the Local Development Plan, would not be adversely affected by such proposals.

(iv) In all other areas of the City Centre zoned as mixed use in the Local Development Plan, proposals for liquor licensed premises will be considered on their individual planning merits. Approval will not normally be granted however, if the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, or identified as suitable for housing in the Local Plan, would be adversely affected by proposals.

The following guidelines are suggested to help assess the suitability of applications for liquor licensed premises outwith the City Centre.

Remainder of the City

(i) There will be a presumption against the location of liquor licensed premises in areas allocated as, and immediately adjacent to, Residential Areas and Mixed Use Residential Areas in order to safeguard residential amenity. Where fringe, linear, local or district shopping centres are located in H1 and H2 areas, proposals for liquor licensed premises in such centres require in the first instance to be assessed against the criteria set down in the Local Development Plan Policy RT3 - Town, District and Neighbourhood Centres. Where that policy allows, permission may be granted for liquor licensed premises provided no upper floors of the application property or adjacent properties are in residential use and or the amenity of the H1 and H2 areas would not be adversely affected by such proposals.

(ii) In all other areas of the City outwith the City Centre, proposals for liquor licensed premises will be considered on their individual planning merits. Proposals should, however, be in accordance with other Local Development Plan policies. Approval will not normally be granted, however, if the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, H1 and H2, or identified as suitable for housing in the Local Development Plan, would be adversely affected by proposals.

Conclusions

The location of liquor licensed premises is a sensitive issue with the public and the Planning Authority because of their potential impact on amenity. The Council is rightly proud of its high amenity standards. This care for amenity has to be carefully balanced against the need to make provision for licensed premises which offer a service to the public which are much in demand. The revised guidelines link closely with the Local Development Plan policies forming an important benchmark for determining planning applications within and outwith the City Centre.

Street Cafes

Introduction

Aberdeen City Council supports and encourages the provision of street cafes in the City Centre, as they make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live, and work in Aberdeen.

It is important that street cafes are properly designed, administered and managed to ensure that they meet the high standards expected in Aberdeen City Centre. They should not obstruct public space or create a hazard for pedestrians, especially for blind, partially sighted and other disabled people.

Relevant Local Development Plan Policies

For the purpose of this SG, street cafes are considered to be tables and chairs placed on public space as an extension of an existing ground floor use where food and drink is served to customers.

Before agreeing to planning permission for a street café, the Council must ensure:

1. They do not constitute a hazard; there should be enough pavement width or equivalent space to accommodate the seating, tables and café operation without causing hazard to, or invade the privacy of, other adjacent legitimate uses or impede access into or egress from nearby buildings or spaces or block a desire line.
2. If the development provides shelter from the elements, it should do so without permanently altering the physical fabric of the building to which they are attached or spaces in which they are located; and
3. They do not result in or contribute to an inadequate amenity for existing residential uses. Appropriate facilities to dispose of litter should be provided, without adversely affecting the quality, amenity or cleanliness of the City Centre.

Role of Other Council Services

As well as the Council's Planning Department, the Council's Licensing Committee has responsibility for granting licenses. Proposals for street cafes must also adhere to other regulations from the Council's Roads Department.

Amenity Issues

The impact on amenity, and in particular residential amenity, is one of the major issues raised by street cafes. Factors which can adversely affect amenity include noise, smell and litter.

Conclusions

The location of street cafes is a sensitive issue with the public and the Planning Authority because of their potential impact on amenity. The Council is rightly proud of its high amenity standards. This care for amenity has to be carefully balanced against the need to make provision for street cafes which offer a service to the public. These guidelines link closely with the Local Development Plan policies forming an important benchmark for determining planning applications within the City Centre.

Amusement Centres and Arcades

Introduction

Amusement centres and arcade proposals require to be given careful consideration as they generally raise sensitive amenity issues such as noise and other disturbances. This is particularly the case within the City Centre, where amusement centre and arcade proposals have continued to increase in number. Along with this there has been the increased activity in the provision of additional housing in the City Centre. Therefore, there are potential conflicts between the different uses which may give cause for concern.

It is proposed in this SG to use the term 'amusement centre' as the definition of a unit that's main use is to predominantly conduct games for chance of profit. The definition of 'amusement arcades' in this SG is a unit that's main use is to predominantly conduct games for amusement only.

Amusement centres and arcade proposals will only be considered within the City Centre boundary set down in the Local Development Plan.

Amenity Issues

The impact on amenity, and in particular residential amenity, is one of the major issues raised by amusement centres and arcades. Factors which can adversely affect amenity include noise and anti-social behaviour.

Noise nuisance can arise from both within and outwith licensed premises and may be generated by playing of music from music sound systems and juke boxes, arcade machines and groups of people etc.

Amusement Centres and Arcades Guidelines

This SG seeks to take into account of the issues referred to earlier in this report and link closely with the Local Development Plan policies.

The following guidelines are suggested to help assess the suitability of applications for amusement centres and arcades within the City Centre:

City Centre

(i) There will be a presumption against the location of amusement centres and arcades in areas allocated as, and adjacent to, Residential Areas in order to safeguard residential amenity. Such proposals could only be permitted if the Council were to be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity

(ii) On Union Street, amusement arcades at ground floor level will require to comply with the Union Street Frontage Guidelines. However, no amusement centres or arcades will be permitted within sectors B and G identified in the Union Street Frontages Guidelines SG. Where the Frontages Guidelines allow, permission may be granted for a licensed premises provided none of the upper floors of the application property or adjacent properties are in residential use, in order to safeguard residential amenity.

(iii) Amusement centres and arcades in streets in the City Centre Business Zone other than Union Street require in the first instance to comply with the City Centre Business Zone policy. Where the policy allows, permission may be granted for an amusement centre or arcade provided none of the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, or identified as suitable for housing in the Local Development Plan, would not be adversely affected by such proposals.

(iv) In all other areas of the City Centre zoned as mixed use in the Local Development Plan, proposals for amusement centres or arcades will be considered on their individual planning merits. Approval will not normally be granted however, if the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, or identified as suitable for housing in the Local Plan, would be adversely affected by proposals.

Conclusions

The location of amusement centres and arcades is a sensitive issue with the public and the Planning Authority because of their potential impact on amenity. The Council is rightly proud of its high amenity standards. This care for amenity has to be carefully balanced against the need to make provision for amusement centres and arcades which offer a service to the public. These guidelines link closely with the Local Development Plan policies forming an important benchmark for determining planning applications within and outwith the City Centre.

Living/ Working Above or Below a Business

Introduction

Living and/ or working above or below a business can prove to be a challenge as both possess potential conflicts between the appropriate and necessary functions of a thriving commercial area and residential uses. The challenge is to reduce any conflict to a minimum through careful siting and design of new residential properties and new licensed or noisy activities and premises and through the Local Development Plan to attract commercial and employment uses to contribute to the vitality of the City.

This conflict is more apparent in the City Centre; however outwith the City Centre this conflict can also occur. Whilst it is reasonable to expect an adequate level of residential amenity; urban centres are lively and vibrant places and those who live there should not expect that the amenity would be comparable to that of a purely residential area.

Living/ Working Above or Below a Business Guidelines

The Council's aims and objectives for the City Centre differ in part from those for the rest of the City, recognition of the different functions of these areas. This SG seeks to take into account of the issues referred to earlier in this report and link closely with the Local Development Plan policies and City Centre Development Framework.

The following guidelines are suggested to help assess the suitability of applications for residential and office uses above or below a business throughout the City:

There will be a presumption in favour of proposals that bring into use and upgrade vacant, under-used and sub-standard upper and lower (basement) floor properties. Changes of use from residential to a non-residential use shall not be approved where:

1. There would be an unsatisfactory impact on the amenity of occupiers and users of surrounding premises, in terms of noise, fumes or other disturbance or inconvenience; or,
2. Where the proposal would involve a stairwell giving access to existing residential property being shared with non-residential users.

Residential Developments in the City Centre

Introduction

As discussed in the section above, there are challenges accommodating residential development in a thriving City Centre, where there is a mix of uses.

Developers proposing residential developments in the City Centre must be mindful of the location of licensed premises and noisy uses, and will be required to provide a noise impact assessment for developments close to the busiest/ noisiest areas of the City Centre.

Appropriate conditions such as soundproofing and the installation of filtration systems will, where appropriate, be required to be undertaken as part of any such development in order to maintain an acceptable level of residential amenity.

Residential Developments in the City Centre

Proposals for new residential developments or conversion of existing premises to residential use will only be allowed in parts of the City Centre where a suitable residential amenity will be secured. To this end applications for such residential developments or conversions will be refused where one or more of the following criteria apply:

1. A suitable residential amenity cannot be achieved or maintained. This is likely to be in areas of the City Centre where there is significant evening or late night activity associated with licensed premises and in areas adversely affected by traffic and industrial noise. The onus will be on the applicant to demonstrate that satisfactory levels of residential amenity can be achieved including the submission prior to determination of any planning application of a noise assessment carried out by a suitably qualified consultant that demonstrates that adequate noise attenuation can be achieved;

2. The proposed development is within the same built structure:

- (a) as a public house;

- (b) as a place of entertainment.

Unless a noise assessment has been submitted by a suitably qualified consultant prior to determination of any planning application that demonstrates that adequate noise attenuation can be achieved

3. There is a common or shared access with licensed premises or other use detrimental to residential amenity;

4. The proposal is located beside a taxi rank.

5. The proposal is located within or adjacent to the Harbour boundary unless it can be demonstrated through a detailed noise assessment submitted prior to determination of any planning application by a suitably qualified consultant that a satisfactory level of residential amenity can be achieved taking account of background noise levels.

For further information contact;

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