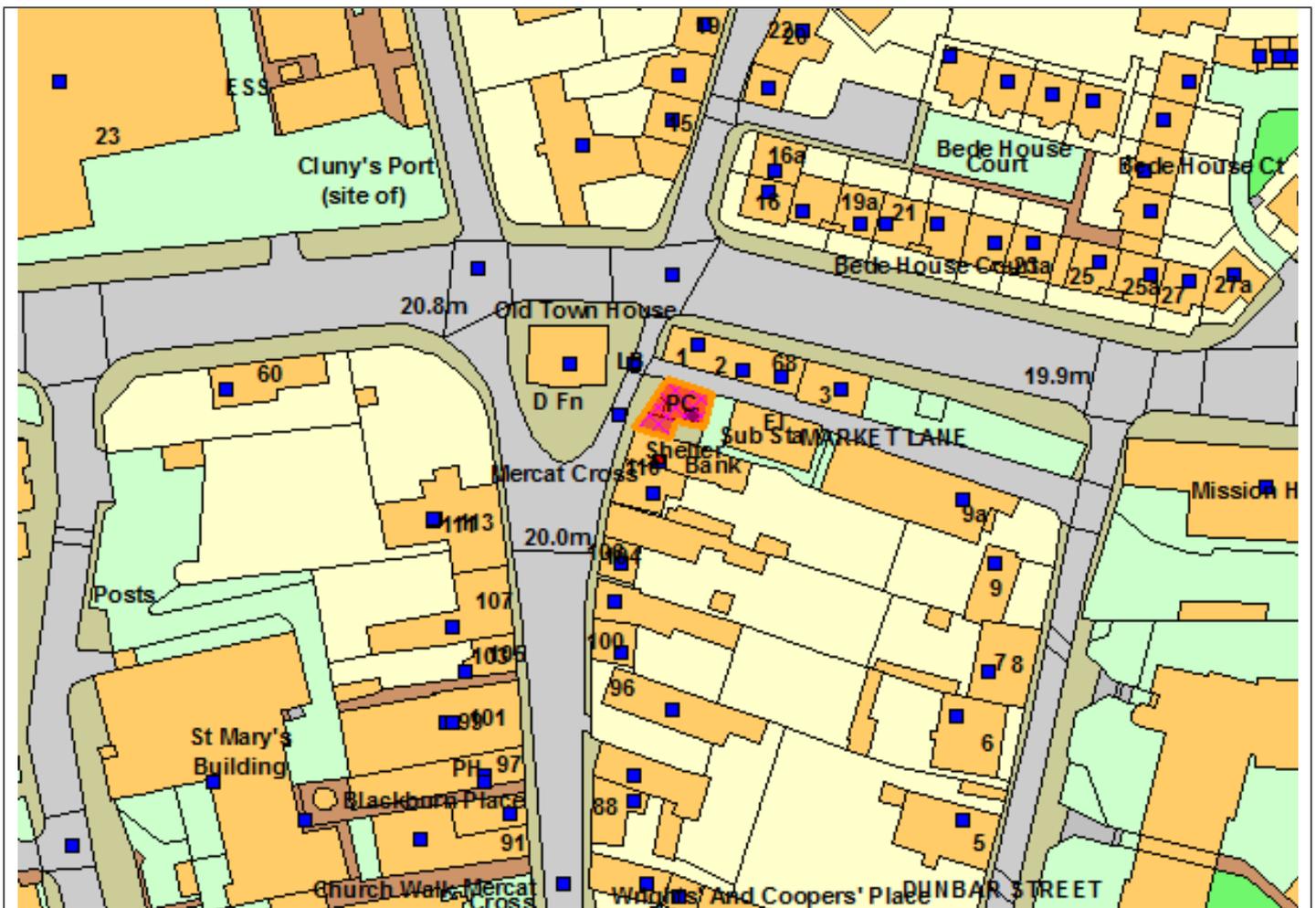


Site Address:	High Street, Aberdeen, AB24 3HE
Application Description:	Change of use from old public toilets to form new coffee house/cafe
Application Reference:	170524/DPP
Application Type	Detailed Planning Permission
Application Date:	10 May 2017
Applicant:	Mr Harry Miller
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council	Old Aberdeen
Case Officer:	Alex Ferguson



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

A single storey granite-fronted un-listed building dating from 1932 and formerly used as public toilets. It is 49m² in footprint and fronts onto High Street within Old Aberdeen Conservation Area.

The front elevation is of ashlar granite and has the word 'SHELTER' engraved above the door. There are currently two boarded up windows and an entrance door on the front elevation, the roof is flat, other windows to the sides and rear are also boarded up, with these secondary walls harled and in a poor state of repair.

To the immediate south is a 2 storey 18th Century Category 'B' Listed building; to the east is a building containing an electricity substation; to the north are Category 'C' Listed residential flats on the opposite side of the pedestrianised Market Lane; whilst to the west, immediately opposite the site on the High Street is the Category 'A' listed Town House and the Scheduled Monument Mercat Cross.

The southern part of the site incorporates Baillie's Place, which is an informal driveway/ parking space approximately 3m wide and stopped up by a gate/ fence in a poor state of repair.

Relevant Planning History

Application Number	Proposal	Decision Date
170523/CAC	To demolish the side and rear walls of the former Public Toilets building – as part of the proposed redevelopment of the site/ building.	Pending – Awaiting the outcome of the current planning application.
160727 & 160728	Planning and Conservation Area Consent applications to demolish the side and rear walls of the building, allowing conversion to a café, incorporating a second storey, beneath a metal standing seam pitched roof. Both refused by the Planning Development Management Committee by reason that materials proposed were 'inappropriate for the historical context of the site and would thus have a detrimental impact on the character and appearance of the conservation area and the setting of the surrounding listed buildings'.	Refused at Planning Committee - December 2016.
120242	To change the use of the building to a café (Class 3 – food and drink).	Approved under delegated powers – October 2012.

APPLICATION DESCRIPTION

Description of Proposal

To redevelop the site as a café (class 3) by retaining the existing façade and introducing a first floor level, containing a recessed seating area within a traditional-form pitched roof extension. A glazed gable within the pitch of the roof would sit above the retained façade with outlook onto the High Street. The ground floor would contain customer seating, display areas and servery with the kitchen and toilet to the rear. The overall building footprint would remain as is.

Finishes

The new side and rear walls would be built up to the height of the retained granite façade and would be finished with a K-Rend 'scraped render' (colour to be confirmed via condition). The pitched roof would be finished with natural slates and the areas of raised wallhead and rear gable extension are proposed as vertical timber linings (of a grey colour to be confirmed via condition – either natural or painted/stained). The glazing to the front gable is proposed to consist of multiple timber-framed double glazed units.

It is also proposed to replace the existing ground floor front elevation windows and doors with grey painted, timber-framed units fitting the existing openings and with a similar glazed door to be installed in the southern side elevation, adjacent to a proposed new larch-clad bin store sited in Baillie's Place.

Baillie's Place is to be resurfaced with granite paving slabs behind 3 rows of granite setts at the junction with the back of the High Street pavement. Further up the lane, the existing fence is to be replaced.

Amendments to proposals since original submission

Since the submission of the application, discussions have taken place with the applicant following concerns raised by the Old Aberdeen Community Council and some members of the public and various amendments to the original proposals have been made. These include:

- The two rooflights proposed have been changed from standard type to 'Conservation-style', with central vertical glazing bars;
- The timber linings have been amended from a 'golden' colour to grey, the final specification of which shall be agreed via condition, but could be an untreated larch finish, which will weather naturally to a soft grey;
- The applicant has confirmed that Baillie's Place is to be re-profiled and surfaced in granite slabs (originally concrete paving) to ensure that any liquids from the bin-store will drain directly into a new surface drain; and
- Two 'Sheffield stand' cycle parking units have been added to the plans, to be located on Baillie's Place.

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=OPOXOGBZKPG00>.

- Design Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because six letters of objections have been received.

CONSULTATIONS

ACC - Roads Development Management Team – No objection, provided cycle parking is provided (2 Sheffield stands) and clarification of the refuse collection plan.

ACC - Environmental Health – No objection, but set out the types of food preparation/ heating that would be permitted in the building without requiring an extraction/ ventilation system. State that no cooking/ frying should take place on the premises unless a suitable extraction/ filtration system has been agreed in writing with the Council, alongside a noise impact assessment which demonstrates the system would not harm the residential amenity of neighbouring properties. Also provide advice on delivery/ uplift hours.

ACC - Waste Strategy Team – No objection. Provide general advice on the requirements for commercial waste storage.

ACC – Flooding – No observations

Historic Environment Scotland (HES) – HES were consulted due to the proximity to the Category A-Listed Old Aberdeen Townhouse and the Old Aberdeen Mercat Cross (a Scheduled Monument), which lie just (c.8 metres) to the west. HES do not object to the application and do not make any comments.

Archaeology Service (Aberdeenshire Council) – No objection but request two conditions be added, requiring the submission of a photographic survey of the existing building and the implementation of an archaeological watching brief during any ground breaking works.

Old Aberdeen Community Council (OACC) – Acknowledge that the applicant has made significant steps to address the main issues identified in the previous proposal (P160727). However, object to the application unless a condition is added to ensure that no deep fat frying may take place on the premises, to protect the amenity of neighbouring residential properties. Also suggested that the following comments be taken into consideration:

- The proposed rooflights be of a 'Conservation' style;
- The Baillie's Place yard area should be surfaced with granite setts or blocks;
- That Baillie's Place be adequately drained, to ensure leakage from the bin store is contained;
- An alternative cycle parking solution could be explored; and
- The internal layout should be fully compliant with the relevant codes of building practice.

REPRESENTATIONS

Seven letters of representation were submitted – Six objecting to the application and one in support.

The issues raised in the letters of objection can be summarised as follows:

- The upper floor extension would have a very modern appearance, which would be at odds with the traditional, historic appearance of the rest of High Street.
- The proposals would adversely impact upon the setting of neighbouring listed buildings, including the Old Aberdeen Town House (Category A), Mercat Cross (Category B & Scheduled Monument), as well as other neighbouring Category B & C listed buildings.
- The works would impact detrimentally on the character and appearance of the Old Aberdeen Conservation Area.

- The concrete slabs to be used in the resurfacing of Baillie's Place should be replaced with granite pavements.
- There are already a number of food and drink outlets in the vicinity and an additional outlet could strain the economy of Old Aberdeen.
- There could be the potential for problems in relation to litter and refuse.
- The proposals are not aesthetically sympathetic, nor well designed.
- The proposed change of use could have a detrimental impact on residential amenity.

The one letter received in support of the application stated that the proposed café would be a great asset to the local area.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Scotland Policy Statement (HESPS)
- Managing Change in the Historic Environment: Setting
- Managing Change in the Historic Environment: New Design in Historic Settings

Aberdeen Local Development Plan (2017)

- Policy CF1 (Existing Community Sites and Facilities)
- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Built Heritage)
- Policy D5 (Our Granite Heritage)

Supplementary Guidance and Technical Advice Notes

Supplementary Guidance

- Householder Development Guide
- Transport and Accessibility
- Old Aberdeen Conservation Area Character Appraisal (OACACA)

Technical Advice Notes

- The Repair and Replacement of Windows and Doors

EVALUATION

Principle of the proposed change of use

The site lies in an area largely associated to Aberdeen University and subject to Aberdeen Local Development Plan Policy CF1 (Existing Community Sites and Facilities). CF1's principal aim is to protect the existing focus on further education and research, it does not specifically set out what alternative uses are appropriate, however it does state:

'Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle.'

The building is not directly associated to Aberdeen University's main purpose of further education or research, although the proposed use as a café would be complementary to the mix of uses found elsewhere along the High Street and which contribute to the character and community identity of the area. Therefore, the cafe use is acceptable in principle, subject to the detail of physical works and use preserving the character and appearance of the conservation area as well as local amenity.

Impact on the character and appearance of the conservation area

The Council's Old Aberdeen Conservation Area Character Appraisal (OACACA) highlights the northern end of High Street '*culminating in the pivotal location of the Old Town House*' as being of significant townscape value and this section of High Street is undoubtedly of great importance to the overall character and appearance of the Conservation Area.

The design approach is traditional in form, scale and massing, albeit with the use of some modern approaches (fully-glazed upper western gable and glazed front door), giving the building a traditional, yet contemporary aesthetic, with an element of deferential contrast. In order to understand the use of this approach, with a valuable 21st century addition to this important context by the retention of a granite façade and in remodelling the volume to be a sympathetic addition to the place, it is important to know the history of the building.

Historical maps and archive images show that a c.18th Century 2 storey granite rubble and pantile-roofed building was on the site prior to the construction of the Public Toilets building in 1932. This earlier building faced gable-end to the street, in line with the building line of neighbouring buildings to the north and south.

The current single storey flat-roofed building, with its ashlar cut granite façade, was from the outset alien to the 18th Century, principally granite rubble built, character and appearance of its surroundings, although today its granite façade does add interest and a legacy of an early C20th intervention. This façade is to be retained, in accordance with Policy D5 (Our Granite Heritage) of the ALDP. The addition of the first floor level extension is considered to be appropriate, as it would reflect both the form/history of the previous building on the site, as well as the general character of High Street, where gabled pitched-roofs facing onto the street are a common feature.

The proposed building would not stand taller than the surrounding buildings and would be significantly smaller than the Town House to the west. The resultant footprint would be the same as the existing building. Overall the scale, massing and form of the surrounding built environment would be respected.

In terms of the impact of the building on the landscape and on views and landmarks, it is important to note that the former Public Toilet building's façade is both slightly set back from the established building line on this eastern side of High Street and is also chamfered. These aspects serve to drastically reduce the massing and prominence of the building on the townscape, especially when approaching from the south, where the building is effectively recessed from adjacent buildings to the north and south, giving it prominence only when viewed directly from in front on High Street, and to a lesser extent when approaching from the north off St Machar Drive.

It is considered that the proposed design and use of materials, both of which incorporate modern, contemporary elements, are appropriate in this instance. Indeed, Historic Environment Scotland's 'Managing Change' guidance on New Design in Historic Settings states that:

*'There is a view that new buildings in historic settings should seek to replicate existing buildings in design, appearance and materials. While this may be appropriate in specific circumstances, for example where part of a larger architectural composition had been lost, in general **we believe that new interventions in historic settings do not need to look 'old' in order to create a harmonious relationship with their surroundings. Some of the best recent examples are contemporary design responses.***

In assessing the impact of the proposed development on the conservation area and the surrounding listed buildings, HES's Managing Change guidance on 'Setting' identifies three stages in carrying out such an assessment. These are:

- 1. identify the historic assets that might be affected by the proposed development*
- 2. define and analyse the setting by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced.*
- 3. evaluate the potential impact of the proposed changes on the setting, and the extent to which any negative impacts can be mitigated*

In response to Stage 1, not only does the application site lie within the historically sensitive Old Aberdeen Conservation Area, but it is also immediately surrounded by listed buildings of varying categories.

Together these buildings contribute to the characteristics and appearance of the Old Aberdeen Conservation Area and whilst the listed buildings to the north and south of the application site arguably contribute more to the area's character area as part of a collective of traditional, relatively unaltered buildings that line the eastern side of High Street, the Town House sits proudly as the focus in the centre of the street. The larger and more intricately designed Town House, is the pre-eminent feature in this section of the High Street, acting as a visual termination to the traditional setted road, before it merges with the busy, tarmacked St Machar Drive to the north.

Overall this section of High Street retains its traditional character, although cars and road markings line the sides of the street, little else has changed. It is this traditional appearance which contributes significantly to the character and sense of place. Given the proximity of Kings College and the heart of Aberdeen University a short distance to the south, with Aberdeen's city centre further beyond, it is likely that most visitors to the northern end of High Street would approach from the south, with the splay of the street and the view of the Town House unfolding before them.

It is this view of the Town House's front elevation, from the south, which is the most prominent and most worthy of preserving. Any development which detracts from this view would impact negatively upon the setting of the building, as well as the character and appearance of the conservation area.

In this context, whilst containing some contemporary elements (including the glazed upper gable), the subject building is set back and sees its frontage chamfered at an angle, with the gable facing north-west toward the blank eastern gable of the Town House. As a result, the long distance views of the Town House from the south would be preserved intact due to the recessed positioning. When approaching from the south, the former Public Toilets building only becomes obvious when standing approximately 20m from the front elevation of the Town House and even then, when viewed from High Street, the glazed upper part of the gable would sit above and behind the retained granite façade. The expansive use of glass would serve to reduce the impact of the building's massing whilst also adding interest to the street and given its orientation, on sunny days the glass gable could actually reflect views of the Town House northward to passers-by on St Machar Drive, thereby potentially enhancing the setting of the Town House and drawing people in.

Historic Environment Scotland have been consulted on the application to comment on the potential for the proposals to impact on the setting of the 'A' listed Old Aberdeen Town House, and have not objected, nor did they make any adverse comment.

In terms of other adjacent listed buildings, it is important to look at how these are viewed in order to determine how the development would affect their setting. The mid-18th Century category 'B' listed 2 storey granite rubble building to the south at 108-110 High Street, although an individual building in its own right, contributes to the character of the area as part of a composition of similar 18th Century buildings which line the eastern side of this section of High Street, as the street widens to encircle the Town House at its northern termination. The proposed building would stand clear of the northern blank gable wall of this building and would be set back from its front elevation. As with the Town House, the listed buildings on the eastern side of the street are likely to be viewed on approach from the south and again the recessed positioning and glazed gable are considered to limit the impact on the setting of these adjacent buildings.

In relation to the 'C' listed building to the north, this dates from the 19th Century and with its harled southern wall, does not contribute particularly to the wider character of the High Street to the same extent as the earlier, 18th Century granite rubble buildings to the south. The more architecturally impressive elevation of this building faces north, onto St Machar Drive, and it is that elevation which is principally where the building is viewed from, although there are glimpses of the building's western gable end available from High Street. In this context the chamfered nature of the front elevation of the subject building ensures that these views of the building at 66-68 St Machar Drive would not be lost and the setting of the building would be preserved.

The 16th Century Mercat Cross Scheduled Monument, positioned in front of the Town House and is also viewed predominantly on approach from the south, but also up close. It is considered that the proposed building, albeit containing elements of contemporary design, would represent an improvement on the setting of the Mercat Cross compared to the existing boarded up derelict building. Indeed, the creation of a café with a first floor mezzanine level and glazed upper gable would allow for customers of the premises to look out over the Cross from an elevated position, giving a further prominent viewing angle.

The OACACA highlights '*empty and/or neglected properties on High Street*' as a particular negative factor which the Old Aberdeen Heart area (encompassing High Street) suffers from. In this regard it is worth noting that the former Public Toilets building has been disused and boarded up for some time (at least 5 years on photographic evidence), thus detracting from the setting of the adjacent listed buildings and the character and appearance of the conservation area in its current state. The proposed development would bring an appropriate new use to the building which would be complementary to the character and community identity of the area and in the process, remove the current blot on the High Street with a new building of a high design standard.

As an aside, the proposals do not solely relate to the extensions and alterations to the existing building. It is also proposed to resurface the adjacent external yard area to the south on Baillie's Place. At present this strip of land is not well maintained, is not traditionally surfaced and detracts from the immediate surrounding to the building. The applicant proposes to sympathetically resurface the lane utilising granite paving slabs set behind three rows of granite setts at the back of the pavement. These works would enhance the appearance of this section of the street.

In summary, key views of prominent buildings and landmarks would be preserved and the contemporary design additions proposed would represent a high-quality complement to the surrounding traditional buildings in detail and being of a suitable scale, form and mass, paying due respect to the historical context of the area. It is therefore considered that the proposed development would be of a high quality design, in accordance with Policy D1 of the ALDP and would preserve and enhance the character and appearance of the conservation area and the

setting of the adjacent listed buildings, in accordance with SPP, HESPS and Policy D4 of the ALDP.

Choice of materials

The foregoing evaluation details why the use of a modern, contemporary design is considered to be appropriate in this instance, however a more detailed response on the choice of materials is set out below:

The wall finish is to be to a scraped 'K-Rend' finish, which closely respects the palette of the rubble granite of the adjacent buildings, as well as the light brown harl on the southern wall of the building immediately to the north. The precise colour can be controlled by condition.

The proposed use of timber-framed windows and doors is suitable and is generally in accordance with the Council's Technical Advice Note on the 'Repair and replacement of windows and doors' which requires window frames and doors in conservation areas to be constructed from timber. It is worth noting, however, that this advice pertains more to the repair and replacement of historical windows and doors in traditional properties (most often residential) and strict adherence with that guidance is not considered to be necessary in this instance. This is given the existing windows and door are not of any particular quality or value in themselves. Given the merits and context it is not considered that traditional windows and doors would be appropriate, given the generally contemporary design of the building, nor would any precedent be set for the replacement of historical windows and doors elsewhere with more modern alternatives.

The use of natural roof slates would be a traditional approach that would complement the prevailing roof construction of the surrounding buildings, whilst the grey-shaded timber linings would offer a contemporary, yet sympathetic way of bridging the gap between the eaves level and the top of the existing building's wallhead heights. The glazed gable would be a modern approach to a traditional form, creating a deferential contrast between both the retained façade and the more traditional architecture of the surroundings. The mass and form of the building would respect the wider context, but it would be a clear contemporary addition of high quality design, all so as to positively add to the character and appearance of the area.

Impact on amenity

There are two storey flats 2.8m to the north, on the opposite side of the pedestrianised Market Lane. There are three windows looking directly onto the site. Of the three potentially affected windows, one is at ground floor level and appears to serve a bathroom (frosted glass) and would not be significantly affected by the proposed height increase of the Public Toilets building.

At first floor level, there are two half-dormer windows which likely serve habitable rooms – possibly bedrooms. In accordance with the criteria set out in the Council's Householder Development Guide, the roof extension to the Public Toilets building requires to be assessed based on its potential to impact detrimentally on the amount of daylight received by these windows. In this instance, the 25° method is used for calculating the amount of daylight loss demonstrates that the increased height of the extension is likely to result in a small loss of daylight receipt for these neighbouring upper floor windows. However, the extension fails the calculation by a minimal margin of approximately 200mm, and when accounting for the relatively small length of the building, there would only be certain times the day where each window would be affected. Therefore, it is considered that the proposed works would not have a significant detrimental impact on the amount of daylight received by the neighbouring properties to the north and that no more detailed assessment is proportionately required. Furthermore, there are no windows to the south, east or west which would be affected by the proposals.

In terms of noise emissions, a café is not a use which would be expected to generate levels of noise that would exceed what would be generally acceptable in an urban residential area. It is

considered that the minimal and constrained nature of Baillie's Place would ensure that any small amount of outdoor seating placed there would not have a significant impact on residential amenity. Nevertheless, it is understood that there is an existing right of access servitude over the lane for a neighbouring property, which may, in reality, restrict the usability of this space for outdoor seating. Therefore, it is highly likely that all tables and chairs for the café would be contained within the envelope of the building and it is not considered that the use of the building as a café would cause any significant detriment to the existing amenity of the area in terms of noise emissions.

In terms of odours emanating from the premises, the applicant has confirmed that they do not intend on cooking or frying within the building, but rather to serve heated (i.e. toasties and soup, etc) or cold food. As such, no significant odours are likely which would detract from the current amenity. A condition has been added which removes the ability for cooking or frying to take place on the premises unless a suitable ventilation/extraction system has been agreed with the Council and thereafter installed. This would also address the cooking fumes concern of Environmental Health.

In summary, it is considered that the use of the building as a café would not have a detrimental impact on the amenity of the surrounding area in terms of either noise or odour emissions. Further, the proposed roof extension to the building would not have a significant impact on the amenity of the neighbouring residential properties to the north in terms of daylight receipt and it is considered that the proposals would preserve the amenity of the area, in accordance with Policy H1 (Residential Areas) of the ALDP as well as the relevant guidance contained within the Council's Householder Development Guide.

Other Environmental Health comments

Refuse storage - plans to incorporate a suitable bin storage area have been incorporated and a condition is recommended to ensure implementation.

Delivery/ Uplift restrictions - it is not considered appropriate to restrict deliveries or uplift times, as this would be done from the public highway and thus outwith planning control. However an advisory note for the applicant has been attached to guide the management practices.

Parking/sustainable travel

The Council's Transport and Accessibility supplementary guidance states that a maximum of 1 car parking space per 12sqm of floorspace will be permissible for a café in an outer city area. It is noted, however, that given the constrained nature of the site, there is no space available for the provision of off-street parking and otherwise the surroundings are subject to a Controlled Parking Zone (CPZ).

The property lies within the heart of the University campus and the majority of customers are likely to be made up of University students, staff, local residents and potentially tourists already visiting Old Aberdeen. It is considered that due to the close proximity of the premises to good public transport links on St Machar Drive and High Street and the National Cycle Route 1, the site is well served by sustainable methods of transport and it is unlikely that the use of the building as a café would generate a significant additional number of car journeys, nor have any significant detrimental impact on car parking, with the site lying within a CPZ. The Council's Roads Development Management Team raised no objection to the application, provided two 'Sheffield' cycle stands are provided, in order to encourage sustainable methods of transport. The plans for the application have subsequently been amended to incorporate two Sheffield stands in Baillie's Place.

Archaeology

As requested by the Council's Archaeologist, conditions are recommended in order to safeguard and record the archaeological potential of the area by ensuring that a photographic survey of the

existing building has been submitted prior to development and that an archaeological watching brief takes place during any ground breaking works (laying of foundation etc) within the footprint of the existing building.

Concerns raised by the Community Council

The Old Aberdeen Community Council (OACC) acknowledges that the applicant has made significant steps to address the main issues identified in the previous proposal (application P160727). The Community Council's main concerns with the previous application were the proposed metal roof and upper wall cladding and the use of metal-framed windows doors. These concerns have now been allayed, as the applicant has amended the scheme to utilise more traditional materials for these elements. Nonetheless, the OACC have stated that they would object to the current application unless the ability to deep-fat-fry on the premises is removed via condition, as well as suggesting a number of other alterations that they feel would improve the scheme.

In response to the above, the applicant has provided a sample menu for the café which indicates a range of food and drink products likely to be sold on the premises, mainly involving sandwiches, soups, cakes and ice cream. It is unlikely that the production of the intended foodstuffs will require any significant cooking or frying operations but nonetheless, a condition has been added to ensure that no cooking or deep-fat-frying may take place on the property unless a suitable extraction/ventilation system has been agreed with the Council's Environmental Health Team and thereafter installed, to ensure there is no significant impact on residential amenity.

In relation to the OACC's suggested improvements to the proposals, these can be addressed as follows:

- The applicant has agreed to the use of 'Conservation-style' rooflights;
- The applicant has agreed to resurface Baillie's Place with granite setts or pavements, as opposed to the originally intended concrete slabs;
- The applicant has confirmed that Baillie's Place is to be re-profiled to ensure that any surface water/liquid overspill shall not flow onto the public pavement and will instead drain into a new drain box;
- The two Sheffield stand cycle-parking facilities should be sufficiently small-scale that they do not interrupt the usability of Baillie's Place. A right of access exists over the lane which may legally restrict the ability of the applicant to place outdoor seating in that area;
- Internal layouts are not a material planning consideration and any issues in relation to the provision of toilets/proximity to kitchen areas etc would be assessed as part of any subsequent building warrant application.

Concerns raised in letters of objection

The majority of the concerns raised in the letters of objection have been addressed above. Otherwise, they can be addressed as follows:

- It is not considered that there would be any issues with the provision of outdoor seating on Baillie's Place in relation to either impact on amenity, or the character and appearance of the conservation area. Therefore, a condition has not been added which removes the ability for the applicant to do so, although in reality, they may be restricted from doing so by an existing servitude for right of access over the lane. No outdoor seating is shown on the proposed plans.
- The internal layout queries raised are matters for building standards to address and not material planning considerations.

- In light of concerns from objectors and the Community Council, the applicant has agreed to resurface Baillie's Place with granite pavements, instead of the originally proposed concrete slabs.
- It is not for the Council to question the demand for additional food & drink establishments in Old Aberdeen, but rather to ensure that the use is appropriate for the area and does not negatively impact on amenity or compromise the wider use of the area for further education (Aberdeen University) – which it would not.
- Any issues in relation to litter and refuse are not material planning considerations and are dealt with under separate legislation. The Council's Environmental Health Team would be involved in the result of any such issues.

Alterations to the proposals since the previous, refused, application (P160727)

It is worth noting the changes that have been made to the scheme since the previous application was refused by the Planning Development Management Committee in December 2016. Although generally agreed that the reuse of the building as a café was acceptable, the previous application was refused on the basis that the modern materials (metal roof cladding and window/door frames) would have had a detrimental impact on the setting of adjacent listed buildings and on the character and appearance of the historic Old Aberdeen Conservation Area.

The applicant has attempted to address the concerns of the Old Aberdeen Community Council and the elected members of the Planning Committee and the following changes have been made to the previously refused scheme:

- The metal roof design has been replaced with natural slates and timber linings;
- The material for the window and door frames has been changed from metal to timber;
- Baillie's Place is to be resurfaced with granite setts and slabs, as opposed to concrete;
- The rooflights are to be of a 'Conservation' style, with traditional central vertical glazing bars

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed use of the building as a café would complement the existing uses of the surrounding area and would not cause any conflict with the amenity of the area, in accordance with Policy CF1 (Existing Community Sites and Facilities) of the Aberdeen Local Development Plan (ALDP). The retention of the existing granite façade complies with Policy D5 (Our Granite Heritage) of the ALDP. The proposed extensions and alterations to the building would reflect and respect the historical pattern of buildings in the surrounding area in terms of scale, form and massing and although some of the materials used would be modern, it is considered that a contemporary approach is necessary in order that the development clearly identifies as a new addition to the townscape and does not detract from the setting of the surrounding buildings or the wider area. The building's set-back siting also ensures that the new additions would not detract from the most important views of the Category 'A' Listed Town House, which is a focal point of the Old Aberdeen Conservation Area. The proposed works would represent a significant improvement on the existing derelict former Public Toilets building, thus rejuvenating the site whilst preserving the character and appearance of the conservation area and the setting of adjacent listed buildings, in accordance with Scottish Planning Policy, Historic Environment Scotland Policy Statement and Policy D4 (Historic Environment) of the ALDP.

CONDITIONS

- (1) That no cooking or frying shall take place on the premises unless a suitable scheme capable of filtering, extracting and dispersing cooking fumes and a maintenance plan for the aforementioned scheme has been submitted to, and agreed in writing by the Council as planning authority. Such a scheme shall be accompanied by a noise assessment to ascertain the predicted impacts of noise associated with the extract system. Thereafter the approved scheme shall be implemented and maintained in full accordance with the agreed details prior to the carrying out of any cooking or frying on the premises.

Reason: In the interests of preserving the amenity of neighbouring residential properties.

- (2) That the use of the building for the purpose hereby approved shall not commence until such time as the bin storage area as shown in approved drawings WD.01 Rev F and WD.02 Rev F has been implemented in full accordance with the approved details, or with a similar scheme which has been submitted to, and agreed in writing by, the Council as planning authority.

Reason: In the interests of preserving the appearance and amenity of the area.

- (3) That no works in connection with the hereby approved development shall take place until such time as a detailed specification for the glazed gable (including sectional drawings of the glazing bars) and material samples for the following external finishes have been submitted to, and agreed in writing with the Council, as planning authority:

- The render to be used for the side and rear walls;
- The timber linings for the external walls;
- The natural slates for the roof; and
- The granite to be used in the resurfacing of Baillie's Place.

Reason: In the interests of preserving the character and appearance of the conservation area.

- (4) That prior to the occupation of the hereby approved building, the resurfacing of the external yard area (Baillie's Place) as shown in approved drawing WD.01 Rev F shall be implemented in full accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the conservation area.

- (5) No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing building on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the building together with the setting of the building and any unusual features of the existing building shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

- (6) The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the planning authority, during any ground breaking works to take place within the footprint of the existing building. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service if required. The name of the archaeological organization retained by the developer shall be given to the planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

Reason: To record items of archaeological interest.

ADVISORY NOTES FOR APPLICANT

Signage and advertisements

The applicant should be aware that advertisement consent will likely be required for any proposed signage to be attached to the building and they should seek advice from the planning department in advance of installing any such signage for the premises, in order to ascertain whether consent is required and whether or not it is likely to be acceptable upon the submission of an application.

Programme of archaeological works

In this particular instance the programme of works will consist of an archaeological watching-brief on any ground-breaking works associated with the development in the first instance.

Hours of construction

In order to protect the occupiers of the surrounding properties from any potential noise nuisance from any proposed demolition and building works; such work should not occur:

- [a] outwith the hours of 0700 –1900 hours, Monday-Friday inclusive;
- [b] outwith the hours of 0800-1600 hours on Saturdays; and
- [c] at any time on Sundays, except for works inaudible outwith the site application site boundary.

The applicant should contact the Council's Environmental Health Service at an early stage and before construction work has started to discuss the proposed means of noise control.

Delivery/Uplift times

Service deliveries/uplifts to and from the premises should not occur outwith the hours of 7am – 7pm Monday to Friday and 8am - 1pm on Saturdays, in order to preserve the amenity of neighbouring residential properties.

Environmental Odour and Noise Control

1. Where a Local Extract Ventilation (LEV) system is not installed: all cooking activities are prohibited; including, oven cooking, boiling, stewing grilling/broiling, deep fat frying or shallow frying, to remove the risk of malodour from cooking activities to help protect the amenity of the occupants of the neighbouring residences.
2. Where an LEV system is not installed: permitted activities relating to hot foods are limited to appropriate means of re-heating and hot holding of precooked products only, to reduce the risk

of malodour from reheating activities, in order to protect the amenity of the occupants of the neighbouring residences.

3. Where an LEV system is to be installed to remove food odours and fumes, the applicant must ensure an appropriate assessment, in accordance with relevant guidance (for example: DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and associated references) is carried out by a competent person. The purpose of this assessment is to establish the necessary air extraction flow rate based on the activities and equipment, the necessary specification of the LEV equipment and mitigation measures required to effectively; filter, neutralise, extract and disperse cooking fumes produced by the activities to be undertaken. The details of this assessment and its findings must then be submitted to this Service for review, in the form of a suitable report by a competent person to the satisfaction of this Service. This report must fully demonstrate the minimum design specification of the LEV equipment and odour/fume control measures and their effectiveness.
4. Where an LEV system is to be installed to remove food odours and fumes a noise assessment by a suitably qualified noise consultant must be carried out in order to ascertain the predicted impacts of noise associated with the system and necessary controls. The methodology for such an assessment must be agreed with this Service. Details of this assessment and its findings must be submitted to this Service for review, in the form of a suitable report to the satisfaction of this Service. This report must fully demonstrate the effectiveness of any noise controls.

Right of access servitude over Baillie's Place

The applicant is reminded that there is a servitude over Baillie's Place for right of access and any items placed in this area should not interfere with the existing servitude that serves the neighbouring property.