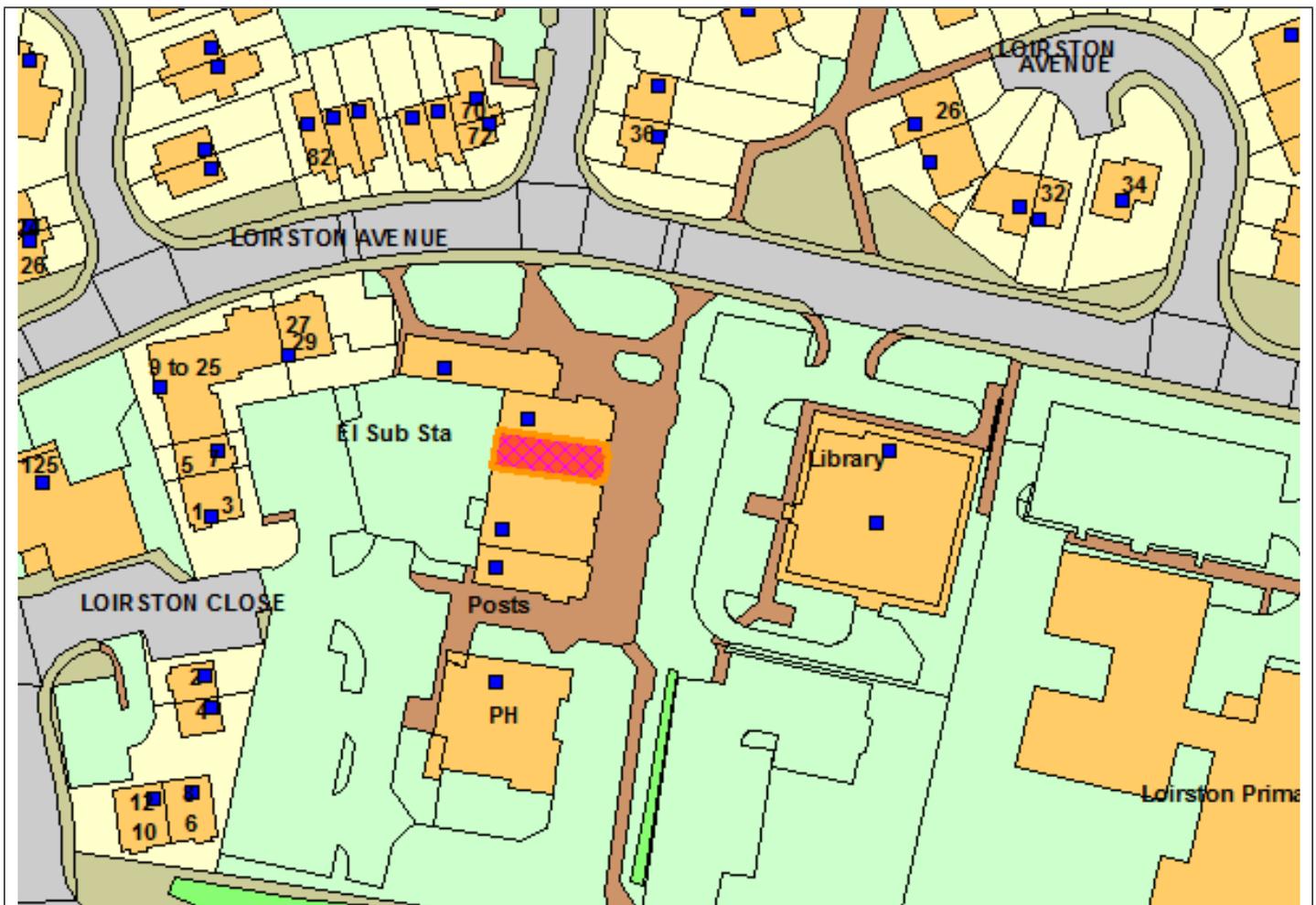


<b>Site Address:</b>	Unit 4, Loirston Avenue, Aberdeen, AB12 3HE
<b>Application Description:</b>	Change of use from a class 1 retail unit to hot food takeaway (Sui Generis) and installation of replacement shop front
<b>Application Reference:</b>	170477/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	3 May 2017
<b>Applicant:</b>	Walker & Lows Ltd
<b>Ward:</b>	Kincorth/Nigg/Cove
<b>Community Council</b>	Cove And Altens
<b>Case Officer:</b>	Jamie Leadbeater



## RECOMMENDATION

---

### Approve Conditionally

## APPLICATION BACKGROUND

---

### Site Description

The application site comprises a vacant Class 1 shop unit with small parade of six commercial units on Loirston Avenue, Cove, which falls with defined local neighbourhood centre. At present, the shopping parade comprises a hot-food takeaway (Sui Generis), Café (Class 3), bookmakers (Class 2), a pharmacy (Class 1) and hairdressers' (Class 1). The units are neighboured by the local library to the east, a public house to the south and a flat development to the west. Dwelling-houses exist beyond Loirston Avenue public thoroughfare to the north.

### Relevant Planning History

Application Number	Proposal	Decision Date
160338	Unit 2, Change of Use from Class 1 (retail) to Coffee Shop (Class 3)	Approved Unconditionally under delegated powers (April 2016)

## APPLICATION DESCRIPTION

---

### Description of Proposal

Change of Use from a Class 1 (shops) unit to a Hot Food Takeaway (Sui Generis) unit and installation of new shop frontage. The new shop frontage would incorporate a door and 6 glazing panels set within a new black aluminium frame.

### Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=OP4KD7BZKHB00> .

- Marketing Information
- Noise Impact Assessment
- Planning Statement

### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 5 objections have been received from members of the public.

## CONSULTATIONS

---

**ACC - Environmental Health** – No objection, on the review of the submitted Noise and Odour Impact Assessment providing the noise and odour mitigation measures outlined in the submitted impact assessment are adhered to.

**ACC - Roads Development Management Team** – No objection. Whilst there would be a shortfall in car parking, the site is easily accessible by foot and is well served by bus links and cycle routes.

**ACC - Waste Strategy Team** – Some concerns about lack of storage space for mixed recycling and food waste, but it is recognised that ACC Waste Service not the only waste collection

contractor for commercial waste in Aberdeen. The applicant would need to liaise with their chosen waste contractor to ensure the correct management of waste.

**Cove and Altens Community Council** – Neutral comment. It is assumed that emissions from the units would fall within the relevant guidelines and that the applicant will be responsible for cleaning up litter around the premises which has been generated by their business.

## **REPRESENTATIONS**

---

A total of 8 letters of objection and 60 letters of support have been received, which raise the following material considerations both for and against the proposed development:

### Reasons to support

- Would improve the appearance of the shop units;
- Would bring the vacant unit back into use;
- Would improve the food outlet offer within Cove;
- The proposed use would support a growing community;
- Would mean people would not need to travel to Torry or Portlethen for a takeaway;
- Well overdue. Cove as an area is well behind in terms of the level of amenities on offered compared to other residential areas;

### Reasons to object

- There are already 2 food outlets in the same parade of units.

## **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.

### **Aberdeen Local Development Plan (2017)**

- Policy D1: Quality Placemaking by Design
- Policy NC6: Town, District, Neighbourhood and Commercial Centres
- Policy T5: Noise

### **Supplementary Guidance and Technical Advice Notes**

- Supplementary Guidance – ‘Shopfronts and Signs’
- Supplementary Guidance – ‘Noise’

### **Other Material Considerations**

- None

## **EVALUATION**

---

### **Principle of Development**

The application unit and wider parade of shop units fall within Cove’s defined ‘neighbourhood centre’ on the ALDP Proposals Map. Subsequently, proposals for Change of Use are subject to Policy NC6 in the local development plan. The policy states that retail is the preferred use within

neighbourhood centres, but a mix of uses is desirable. The policy goes on to make provision for Changes of Use from retail providing all of the following criteria can be satisfied:

- The proposed use makes a positive contribution to the vitality and viability of the centre;
- The proposed use will not undermine the principal function of the centre;
- The applicant can demonstrate a lack of demand for the continued retail use of the premises;
- The proposed use caters for a local need;
- The proposed use retains and creates a live and attractive shop frontage;
- The proposed use does not create clustering of a particular use in the immediate vicinity;
- The proposed use does not conflict with the amenity of the surrounding area.

Evaluating the application against each criteria in turn:-

- The proposed use would make a positive contribution to the local neighbourhood vitality and viability on the basis that it is not currently served by a fish & chip takeaway and it is clear by the level of public support there is local demand for its use;
- Should this application be approved, 2 of the 6 units within the parade would still remain in Class 1 retail use. There would only be one other take away unit with the remaining units used as a café and bookmakers. With this in mind the overall mixed use and role of the centre would not be significantly eroded.
- The applicant has submitted detailed marketing evidence from the unit's agent who has confirmed the premises has been marketed for retail use since the start of June 2015, a period of time far in excess of the minimum 6 months marketing period normally expected by the Planning Service – proving that there is no demand for retail use of the unit;
- The proposed use as a fish and chip shop would cater for a 'local need' given no identical takeaway is currently on offer within the Cove and Cove Bay area. The existing hot food shop in the centre is a Chinese takeaway. Furthermore it is evident from the significant numbers of public support that such a local need exists;
- The proposed use would create a live and attractive shop frontage as part of the current proposals and therefore would satisfy this expectation of the policy;
- As indicated in the second bullet point above, it is considered the proposed would not create an undue level of clustering of Hot Food Takeaways in the Cove/Cove Bay area, and as such would not undermine the character and amenity of the centre. This view counters the main material reason for objection implied by objectors given that only one of the two existing food outlets, is a hot food takeaway – the other being a café;
- It is considered that the proposed use would not conflict with the amenity of the surrounding area. The Council's Environmental Health Service has been consulted on the application and has reviewed the submitted Noise & Odour Impact Assessment, to which they have not objected and found the proposed noise and odour mitigation measures to be acceptable. Such measures outlined in the document can be conditioned for implementation prior to the use coming into effect and retained during the lifetime of the development. Providing these mitigation measures would be adhered to then the Planning Service does not envisage the proposed use having any undue impact on the amenity of neighbouring residents.

Taking into the account the points, it is considered the proposed use would be acceptable in line with the requirements of Policy NC6 in the ALDP and therefore the principle of development is considered acceptable. Furthermore, it should be noted that the proposal would comply with the relevant expectations of Policy T5 in the ALDP also in respect of noise as per the discussion in the bullet point above following consultation with the Environmental Health Service.

### **Shop front alterations**

As touched upon in the above discussion, the proposed replacement shopfront would create a live and attractive shop frontage by virtue of the large elements of glazing within the shopfront and the

associated black aluminium frame which the glazing would be set within, which would be coherent with the design of the existing café, pharmacy and hairdressers within the same parade of commercial units. As such, the proposed changes to the exterior of the building are considered in-keeping with the surrounding area and not adverse to public visual amenity. On this basis, the proposal is considered compliant with the relevant requirements of Policy D1 in the ALDP 2017 and the relevant parts of Council Supplementary Guidance on shopfronts.

### **Conclusion**

In conclusion, the proposed Change of Use is considered an acceptable use for the application units given site's context. Furthermore, by virtue of the level of public support, it is clear it would cater for a local need whilst the Environmental Health Service have provided the reassurance the use would not unduly compromise the general residential amenity afforded to neighbouring residents. The design of the proposed replacement shopfront would not be out-of-keeping with the rest of the parade of shop units and therefore would not give rise to any undue public visual amenity impacts. As such, the proposal is considered compliant with the relevant policies in the Aberdeen Local Development Plan 2017, whilst other material considerations do not dictate otherwise. The application is therefore recommended for approval.

### **RECOMMENDATION**

---

**Approve Conditionally**

### **REASON FOR RECOMMENDATION**

---

The proposed use would not undermine the primary retail function of the parade of shop units and would make a positive contribution to vitality and viability of the neighbourhood centre through supporting a local need, whilst not posing an undue amenity impact to neighbouring residential properties. The proposed shopfront would not be adverse to public visual amenity. As such, the proposal is considered compliant with Policy D1: Quality Placemaking by Design; Policy NC6: Town, District, Neighbourhood and Commercial Centres; and Policy T5: Noise in the Aberdeen Local Development Plan 2017 and each policy's respective associated supplementary guidance.

### **CONDITIONS**

---

- 1) Prior to the hereby approved development coming into use, all noise and odour mitigation measures outlined in the submitted Noise & Odour Impact Assessment shall be put in implemented in full and shall remain in place for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of neighbouring properties and the public's general amenity.

### **ADVISORY NOTES FOR APPLICANT**

---

- 1) Advertisement Consent would be needed before installing any signage within the shopfront. Subsequently, an Advertisement Consent application would need to be submitted to the Planning Service for their consideration and approval before carrying out such works.
- 2) Commercial waste should not be stored on the street any day of the week otherwise it makes a business liable for a £500 fine per bin as per Council Policy adopted in 2009.

