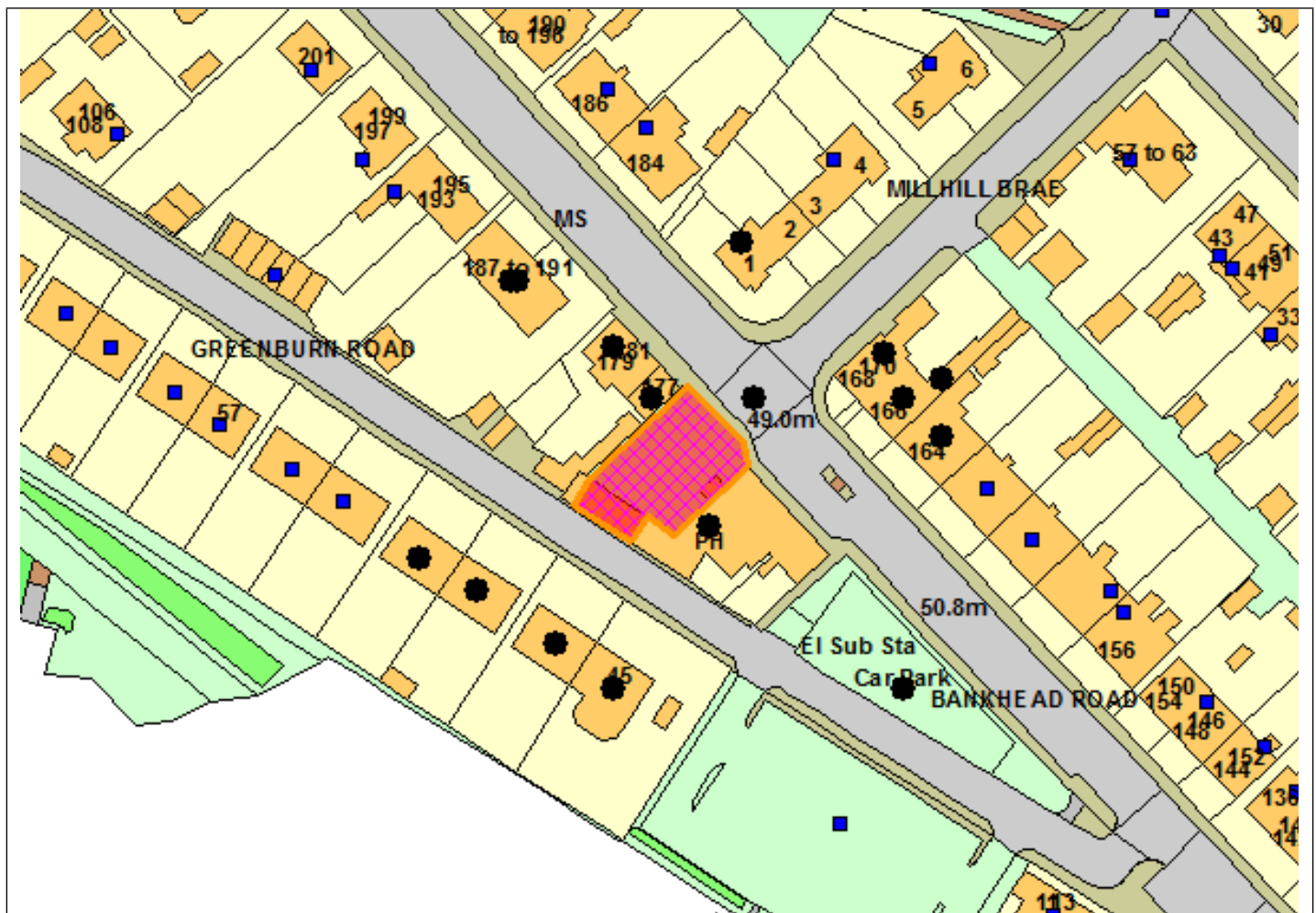


Site Address:	Bankhead Inn, 161-165 Bankhead Road, Aberdeen, AB21 9HQ
Application Description:	Change of use of outbuilding to hot food take away (Sui Generis); including erection of single storey extension with flue pipe and ramp to front (Bankhead Road)
Application Reference:	171552/DPP
Application Type	Detailed Planning Permission
Application Date:	3 January 2018
Applicant:	Mr Richard Bleakley
Ward:	Dyce/Bucksburn/Danestone
Community Council	Dyce And Stoneywood
Case Officer:	Jamie Leadbeater



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

A vacant single storey outbuilding - adjoining the Bankhead Inn public house, with associated car parking to the front, all on the south-western side of Bankhead Road in Bucksburn. The front/public elevation of the existing outbuilding is set approximately 20m back from Bankhead Road, from where access is taken. On the opposite side of Bankhead Road is the junction with Millhill Brae, with a terrace of granite tenement buildings on its east side and single storey terraced properties to the west, both residential in use. Greenburn Road runs along the rear (west) of the site/ outbuilding, which sees single storey residential properties opposite. A residential property and adjoining local shop (Class1) sit to the west, fronting Bankhead Road.

The application property is a traditional single storey outbuilding finished in a painted roughcast render with pitched corrugated sheet roof. Existing openings exist on both street facing elevations, including 4 doors to the north/car park and 3 'barred' windows to Greenburn Road. The car park is largely defined by a c.1.5m high stone wall along its boundary and higher stone walls associated with the neighbouring properties.

Relevant Planning History

Application Number	Proposal	Decision Date
171552/DPP	Change of use of outbuilding to hot food take away (Sui Generis); including erection of single storey extension with extract flue and ramp to front (Bankhead Road)	06.05.2017 Withdrawn

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to use the outbuilding as a hot food takeaway (a *Sui generis* use), and in association with this use erect a single storey pitched roof extension. There would also be an associated extract flue and pedestrian access ramp to front entrance door. The car park would also be reconfigured and formally laid out to define 7 car parking spaces (1 disabled), as well as areas for bicycle and motorcycle parking. Waste would be stored in an enclosed area to the west of the proposed extension, adjacent to the mutual boundary wall with 177 Bankhead Road, and a collection area provided adjacent to the access from Bankhead Road.

The proposed extension would project 4.8m forward of the principal elevation and have a width of 7.8m, eaves height of 2.5m and ridge height of 5.4m. It would be finished in render to match existing building and the roof would be finished in grey ridged sheeting material to match existing roof finish. The roof of the existing building is also to be upgraded with the same material. Replacement windows and doors would be constructed from aluminium frames. The proposed flue pipe would adjoin the north-western side elevation of the extension up to a height of 4.2m above ground level and sit 2.3m from the roof plane.

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=P1Q44BBZI7000> .

- Car Parking Survey
- Noise & Odour Impact Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 5 objections have been received and the local community council has objected.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The site has good walking and cycling links, with bus stops within 50m. Proposed car park layout is accepted, as is waste storage. The submitted Car Parking Survey indicates that there would be a maximum of 2 cars using the car park at any one time. Use of the car park by the proposed use would take parking spaces away from the public house which already has a shortfall of dedicated spaces, but there is good public parking availability in the surrounding area and it is expected the development would serve the local community, which would require limited dependency on the car park. The car park would provide motorcycle and bicycle storage to minimise dependence on the private vehicle also.

ACC - Environmental Health – No objection. The submitted Noise and Odour Impact Assessment demonstrates appropriate noise and odour mitigation measures would ensure no unacceptable impact on residential amenity, subject to conditions seeking the implementation of such mitigation measures.

ACC - Waste Strategy Team – No objection. General comments provided. Developer needs to make sure the bin store can accommodate general waste, recyclables and food waste and be accessible at all times.

Bucksburn and Newhills Community Council – Object, for the following reasons:

- There are existing numerous outlets locally where ‘fast food’ can be purchased;
- A primary school is close to the site and we would not want to encourage the youngsters to use an outlet of this type at lunch breaks;
- Against attracting more traffic to the area when it could pose a danger to pupils of the new primary school;
- There is currently limited parking space in the area and the development would add to congestion;
- The proposed outlet is likely to give rise to litter and noise which would be a nuisance to adjoining neighbours;
- Proposed use can give rise to an unpleasant odour;

REPRESENTATIONS

Seven (7) representations have been received against the application, all of which have objected. The letters have raised the following material planning considerations:

- Proposed use would generate additional vehicle congestion on Bankhead Road at peak times;
- Proposed use could prevent emergency vehicle access along Bankhead Road, due to likelihood of additional cars parking on the road;

- Proposed use would give rise to additional noise disruption on top of that arising from existing adjoining public house;
- Limited car parking at present afforded to the Bankhead Inn and on surrounding streets such as Millhill Brae;
- Concerned about smells arising from the takeaway;
- Development would present road safety concerns for children crossing Bankhead Road from the next school on the opposite side of the road;
- Location of the proposed waste store against neighbours wall would result in vermin being attracted to the neighbours property;
- Disagree with Odour Assessment findings and in fact location of proposed flue pipe will provide odour nuisance to adjacent neighbours property;

Issues raised by the local community council and objectors which are not considered material to the determination of the application:

- Litter discarded by customers outwith the site would arise from the takeaway;
- Noises and smells used to emanate from the building;
- The existing shop sees people using neighbouring property as a shortcut, the proposed takeaway would increase this;
- A chip shop close to a school would encourage obesity, especially during lunch breaks. t lunch breaks; and
- There are existing numerous outlets where 'fast food' can be purchased.

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 H1: Residential Areas
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy R6: Waste Management Requirements for New Development
- Policy T4: Air Quality
- Policy T5: Noise

Supplementary Guidance and Technical Advice Notes

- Air Quality (Supplementary Guidance)
- Noise (Supplementary Guidance)
- Transport and Accessibility (Supplementary Guidance)
- Harmony of Uses (Supplementary Guidance)

Other Material Considerations

None

Equalities Impact Assessment

Consideration of the equalities impact arising from the proposed development has been undertaken and it is concluded the proposed ramp would have a positive impact on those with certain protected characteristics.

EVALUATION

Change of Use (compliance with Policy H1, T4 and T5)

The application site is set within a designated residential area, as defined on the ALDP 2017 Proposals Map. Developments within such areas are subject to Policy H1 in the ALDP, which supports new development in residential areas subject to the following:

- 1) not constitute 'over development';
- 2) not have an unacceptable impact on the character and amenity of the surrounding area;
- 3) not result in the loss of valuable and valued areas of open space (as defined on the Aberdeen Open Space Audit 2010); and,
- 4) complies with relevant supplementary guidance.

In addition to the above, Policy H1 states that proposals for non-residential uses will be refused unless they are considered complementary to residential use and it can be demonstrated that the use would cause no conflict with residential amenity, both considerations which are implicit to points 2 and 4 above which will be addressed in the below paragraphs accordingly.

Overdevelopment

The scale of the extension would take up a small portion of the existing car park and overall site area. The height and massing of the extension would sit below that of the existing outbuilding, making it appear visually subservient. There would also be sufficient dedicated car parking to serve both the hot food takeaway and public house, which would share it. For these reasons, it is not considered the proposal would 'over develop' the site.

Impact on Character of Surrounding Area

The immediate surrounding area is characterised by a mixture of uses, a public house; local shop; school; and hairdresser – whilst overall the area is predominantly residential in nature. The proposed hot food takeaway is considered to be appropriately positioned between two existing non-residential uses, so as to group non-residential uses in the area and to give an element of containment of that use. The physical changes to the building would not unacceptably alter the character of the building, given its form and proposed finishing materials. Taking these three key points into account (context of uses in area; containment; and visual characteristics), it is not considered the proposed development would have an unacceptable impact on the character of the surrounding area, visually or in terms of the mixture of uses.

Impact on Amenity of Surrounding Area

The main amenity issues to consider are: the omission of smells from food preparation; and noise generated from cooking equipment. The requirements of Policy T4 (Air Quality) and T5 (Noise) are implicit to addressing these issues. Both policies seek to control respective issues through a relevant assessment of the likely air quality and noise impacts, prior to determination of a planning application.

A Noise & Odour Impact Assessment has been submitted and reviewed by the Council's Environmental Health Service. They accept the findings and request conditions requiring the implementation of the mitigation measures detailed. Such conditions would satisfy the respective

requirements of policies T4 and T5 in the ALDP and their supplementary guidance, as well as the amenity requirements of policy H1.

It is acknowledged that the proposed use is likely to attract additional people to the area which could give rise to some associated noise and objection has been raised to this effect. However, the closest residential properties are situated within a context where they are well detached from the proposed use, which is contained and set back from the road. Existing non-residential uses and passing road traffic mean that there is unlikely to be any significant uplift in noise disturbance arising from the proposed use. It may also be expected that the cluster of non-residential uses may see some joint trips. Any noise arising from cooking operations would be limited by the mitigation measures set out in the Noise Report, whilst any anti-social behaviour would be a matter for Police Scotland.

Taking all above factors into account, it is not considered the proposal would have an unacceptable amenity impact on the surrounding area, particularly in relation to resultant odour or noise.

Loss of Open Space

Not relevant.

Compliance with Relevant Supplementary Guidance(s)

As stated above, the proposal is subject to the supplementary guidance associated with Policy T4 and T5 would be complied with. The SG associated with Policy T2 - Transport and Accessibility is also relevant and is discussed below, in relation to access and parking.

Taking all the above considerations into account – providing the proposal proves compliant with the SG on Transport & Accessibility – the proposal is considered compliant with Policy H1.

Extension and Ramp – Design

The proposed extension and associated ramp must be assessed against Policy D1 in the ALDP, which states all development must ensure high standards of design.

The application building is unusual in its character and appearance within the immediate locality and the gable-ended frontage to the extension is not considered inappropriate with form and character of the existing building. The lower height and width relative to the overall elevation, would present a visually subservient addition to the existing building. The proposed set of bi-folding doors would afford an attractive contemporary frontage and coupled with the overall scheme of works contribute towards raising the general visual amenity of the immediate locality. Given the extended building would remain set-back from Bankhead Road, by c.14m, it would not dominate the overall street scene. Proposed finishing materials are considered acceptable, further details could be controlled through condition. Thus the proposed extension would fall within the expectations of Policy D1.

The proposed ramp would allow access by persons of varying physical capabilities, which is welcomed. The ramp structure is minor in scale and is designed to serve its purpose. It is well set back from Bankhead Road and therefore would pose no undue visual amenity impacts. To this end, it is also acceptable.

Access, Parking and Waste

The main servicing requirements associated with this development are parking, access and waste storage/disposal, which are assessed against policies T2, T3 and R6.

Policy T2 and T3 require new developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

The associated SG states that within the 'outer city' area there is a maximum requirement for 2.6 parking spaces associated to the scale of the use proposed. The wider proposals make provision for 7 car parking spaces, as well as motorcycle and bicycle parking. All shared with the adjoining public house, which the applicant also owns. The location is also well served by a bus route, on Bankhead Road and sees bus stops close by. The Council Roads Service has considered and accepted the proposals, supported by the Car Parking Survey. To this end the proposal is considered compliant with Policy T2 and its associated SG.

A number of objections raise concerns about the road safety impact of the development; however such concerns are not shared by Roads colleagues.

Policy R6 states that all new developments should have sufficient space for storage of general waste and recyclables and such facilities are detailed on the plans. The Council's Waste Service has been consulted and provided general comments, which can be reiterated through use of an informative. The adjoining neighbour has objected to the bin store location, on the basis that vermin would be attracted to their premises. However, the arrangement detailed is deemed suitable and should this transpire environmental health legislation would address it.

Conclusion

It is considered the proposed use would be adequately complementary to the surrounding residential area and the proposed extension and associated ramp would be acceptable in the design terms, all given the context of the surrounding area. Noise and odour would be dealt with through agreed mitigation measures to be conditioned. Further, the proposed development would be sustainably accessible, and proportionate car parking would be provided which would not unduly hinder the needs of the adjacent public house. To this end, the proposal is considered to be in accordance with all relevant policies in the ALDP 2017 and the associated Supplementary Guidance. In the absence of any other overriding material considerations, the application is recommended for conditional approval.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed use of the building would be acceptable within the parameters of Policy H1: Residential Areas in the Aberdeen Local Development Plan (ALDP) 2017, subject to implementation of appropriate noise and air quality mitigation measures. The proposed extension and associated ramp are considered acceptable in design terms given the site's context, and would not give rise to any undue amenity impacts on neighbouring uses and therefore would comply with the relevant requirements of Policy D1: Quality Placemaking by Design in the ALDP 2017. The proposed use could be adequately serviced in respect of access and parking and the good accessibility to the site via a range of transport modes and therefore would satisfy the relevant expectations of Policy T2: Managing the Transport Impact of Development and T3: Sustainable & Active Travel in the ALDP. Waste would be stored in a well-contained enclosure adjacent to the application property to prevent sprawl into public areas and therefore would satisfy the thrust of Policy R6: Waste Management Requirements for New Development in the ALDP. Finally, the proposal would also accord with the relevant requirements of Policy T4: Air Quality and T5: Noise in the ALDP 2017. In the absence of any other overriding material considerations, the proposal is considered acceptable.

CONDITIONS

- 1) Prior to operation of development, all noise mitigation measures outlined in Appendix I of the submitted Noise & Odour Impact Assessment (carried out by Grosle Environmental Services in October 2017) shall be implemented in full and thereafter remain in place for the lifetime of the development.

Reason: In order to suitably control noise arising from cooking equipment to the benefit of local residents' general residential amenity

- 2) Prior to operation of development, all odour mitigation measures set out in Sections 5 and 6 of the submitted Noise & Odour Impact Assessment (carried out by Grosle Environmental Services in October 2017) shall be implemented in full and thereafter remain in place for the lifetime of the development.

Reason: In order to suitably control malodour arising from cooking operations to the benefit of local residents' general residential amenity.

- 3) No development shall take place until samples of the proposed finishing materials to the extension and replacement roof and doors to the existing building have been submitted to and approved in writing by the Planning Authority. Once approved, the approved scheme shall be implemented in line with the agreed details.

Reason: In the interests of public visual amenity.

ADVISORY NOTES FOR APPLICANT

- 1) Should the applicant/developer wish to apply any signage to the application property it is recommended that they consult with the Planning Service in advance, to establish if Express Advertisement Consent would be required.
- 2) Aberdeen City Council is not the only commercial waste contractor in the city and therefore it is expected the applicant/developer will make their own arrangements with a waste contractor to remove commercial waste from the site.