



Strategic Place Planning

Report of Handling

Site Address:	Former Public Convenience, adjacent to Dyce Church Hall, Victoria Street, Dyce, Aberdeen
Application Description:	Erection of cafe with hot food take away and flat above including car parking and associated works
Application Ref:	180522/DPP
Application Type:	Detailed Planning Permission
Application Date:	20 April 2018
Applicant:	Fleet Properties
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stoneywood
Case Officer:	Ross McMahon

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

Located on the west side of Victoria Street, between its junctions with Gladstone Place and Don Place, the now vacant site was formerly occupied by a single-storey public convenience building of modest footprint, set within an area of associated soft/ hard landscaping and an area of car parking to the rear (west). The site is bound to the south by Dyce Parish Church, to the north by an area of car parking and to the east by Victoria Street, with residential property beyond. To the west lies a large expanse of urban green space, beyond which lies the eastern boundary of Aberdeen International Airport (AIA). Otherwise, the underlying and wider land use designation is as a 'Residential Area' as identified by the Aberdeen Local Development Plan (ALDP) 2017 proposals map.

Relevant Planning History

Ref.	Description.	Decision.	Date.
161789/DPP	Erection of shop unit with flat above	Refused	20.03.14

Summary of reasons for refusal for **161789/DPP** –

- Inability to create an appropriate level of residential amenity for the proposed flat, due to the proximity to AIA, and the need to safeguard its future operation.
- Overdevelopment of the site by virtue of the inability to provide an adequate degree of outdoor residential amenity space (proposed flat) in addition to a suitable level of on-site parking (serving flat and shop unit).

APPLICATION DESCRIPTION

Description of Proposal

Erection of a ground floor unit (café, restaurant and/ or hot food takeaway) with a one-bedroomed residential flat above with external balcony, in addition to the formation of a new vehicular access, associated parking and hard/ soft landscaping.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P6LT64BZKE800>

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Notes that the site is situated within the Dyce Area of Aberdeen which is defined as in the 'Outer City', in a location in which no controlled parking is in operation. The site is served by direct access from a network of public footpaths connected to the wider residential and business areas of Dyce. No direct links to designated cycle lanes/ paths, however, National Cycle Route 1 is within 350m of the site. Victoria Street is served by regular bus services with direct links to the city centre; Dyce Railway Station is located within 350m of the site. Notes a shortfall of 2 on-site parking spaces, however, this is considered acceptable. The parking layout and arrangement is accepted. Disabled parking and cycle parking provision is considered acceptable. The development will require to be subject to the Roads Construction Consent procedure.

ACC - Environmental Health – No objection. Notes the potential for an adverse impact on occupants of the proposed flat from aircraft noise (AIA). Notes that the ground floor use (café/ restaurant/ hot food takeaway) has the potential to impact on both surrounding residential properties and occupants of the proposed flat from noise associated with a proposed outdoor seating area and/ or the requirement for Local Extract Ventilation (LEV) equipment. A noise impact assessment (NIA) should be carried out to quantify the impacts and identify necessary mitigation. Notes the requirement for the applicant to submit an assessment of odour control for the proposed café/ restaurant/ hot food takeaway.

ACC - Flooding and Coastal Protection – No objection. Recommends the use of permeable materials and rainwater harvesting where suitable in the design.

ACC - Waste Strategy Team – No objection. Notes that the new flat would be provided with: 1 x 240 litre wheeled bin for general waste; 1 x 240 litre wheeled bin for mixed recycling and a bin for food and garden waste. Note that only a general response can be provided for the proposed commercial development given that ACC is one of many waste contractors available. General guidance offered.

Aberdeen International Airport – No objection. The proposal development would not conflict with the safeguarding criteria.

Dyce and Stoneywood Community Council – Supports the application. The proposal represents an appropriate redevelopment of an 'eyesore' derelict site and enhanced amenity for

the locale through the provision of informal dining facilities. Notes significant public support for this facility. Hopes that planning issues associated with refused application ref. 161789 can be overcome/ mitigated.

REPRESENTATIONS

9 letters of representation have been received (3 letters of objection and 6 letters of support). The matters raised can be summarised as follows:

- Very busy and congested section of Victoria Street, exacerbated by the proposed development;
- Difficult entry/ exist from Gladstone Place is a road safety issue (vehicles and pedestrians);
- Not a need for this facility in Dyce which is already well served by such uses;
- Much needed asset for the Dyce community.

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 2014
- Planning Advice Note (PAN) 1/2011: Planning and Noise

Aberdeen Local Development Plan 2017 (ALDP)

- H1 – Residential Areas
- D1 – Quality Placemaking by Design
- D2 – Landscape
- T2 – Managing the Transport Impact of Development
- T3 – Sustainable and Active Travel
- T5 – Noise
- B4 – Aberdeen Airport
- R6 – Waste Management Requirements for New Development
- R7 – Low and Zero Carbon Buildings and Water Efficiency

Supplementary Guidance and Technical Advice Notes

- Landscape SG
- Transport and Accessibility SG
- Noise SG
- Resources for New Development SG
- Planning and Aberdeen Airport TAN

Other Material Considerations

- Road safety

- Residential amenity
- Removal of a gap site

EVALUATION

Principle of development

The application site lies within a residential area. Within such areas, the principle of further residential development is accepted, providing Policy H1 (Residential Areas) is satisfied. Here, the question of whether the proposal represents 'overdevelopment' will be addressed in the 'Context, density & pattern of development' section of this report. Policy H1 also requires that new development does not result in an unacceptable impact on the character or amenity of the surrounding area; this aspect is assessed under the 'Context, density and pattern of development' and 'Proposed café / takeaway & residential amenity' sections below. The principle of non-residential uses within existing residential areas will be refused unless they are considered complementary to residential use; or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of residential amenity. Such matters are discussed in the 'Proposed café / takeaway & residential amenity' section of this report.

Residential development & AIA

PAN 1/2011 (Planning and Noise) provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. This document promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses to ensure that quality of life is not unreasonably affected, and that new development continues to support sustainable economic growth in line with the aims and aspirations of SPP.

The application site is located within close proximity (c.250m) to the eastern boundary of AIA. Policy B4 (Aberdeen Airport) states that applications for residential development in areas where aircraft noise levels are in excess of 57dB LAeq (the summer 16-hour dB LAeq measurement), as identified on the airport noise contour map, will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of AIA for the incremental addition of noise sensitive developments that would restrict or hinder the future operation of a strategically important transport hub, vital to the North East economy.

The site is located between the 55 and 60dB contours as per the Noise Contours Map 2016 (the most recent information held), immediately adjacent to the 60dB contour. On this basis, it is not considered that the proposal would be able to satisfy the terms of policy B4. The Council's Environmental Health team notes that a NIA considering the impact from all aircraft noise on all proposed properties must be carried out in order to establish the type and level of insulation/controls required to meet World Health Organisation and BS8233 standards. A NIA has not been submitted with the application and has not been requested by the planning authority as the principle of further residential development would remain unacceptable in terms of policy B4 (Aberdeen Airport) and this information would not address that overriding policy conflict.

Proposed café / takeaway & residential amenity

Policy T5 (Noise) and the Council's associated Noise SG states that in cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application. There will be a presumption against noise generating developments being located close to noise sensitive developments, such as existing housing. The proposed mixed-use development would incorporate a residential flat above what is, at present, an

undefined class 3/ takeaway use proposed at ground floor level. Furthermore, existing residential property is located in relatively close proximity to the application site. Therefore, there is potential for adverse impacts in respect of noise and malodour from certain types of cooking activities associated with the unspecified class 3 use such as oven cooking, contact grilling, boiling, stewing grilling/ broiling, deep fat frying or shallow frying, for example. Additionally, there is potential for noise disturbance resulting from a proposed outdoor seating area on occupants of the proposed flat, albeit it is considered that the severity of this noise source is likely to be minimal. In the interests of amenity, and to comply with Policy T5 and H1, it is considered that it would be necessary to apply conditions requiring the submission of further information in respect of noise and malodour prior to first occupation of the ground floor unit, if the planning authority were otherwise minded to approve the application. Whilst conditions could adequately address these matters, the principle of further residential development in close proximity to AIA, remains unacceptable.

Policy D2 (Landscape) and associated Landscape SG requires layouts for proposed flatted residential schemes to have clearly defined public and private spaces. Residents of flatted developments should have access to sitting-out areas, provided by balconies, private gardens, terraces or communal gardens. A private amenity space would be provided for the proposed flat by way of a sizable dedicated balcony located to the rear (east) of the property. This space would be appropriately sized, would not be overlooked or overshadowed to a significant degree and would benefit from views/ outlook to the east.

As a general principle, new development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting. In this regard, there would be no impact to neighbouring residential property given that the nearest residential property i.e. north, south and east is located sufficiently distant from the proposal such that there would be no impact in this regard, either from the proposed residential flat or ground floor unit in terms of built form.

Context, density and pattern of development

All development must be designed to respect its context. In this regard, the area surrounding the site reveals a degree of variety in the built form. This section of Victoria Street is characterised by 1½ storey detached dwellings to the south and west, in addition to civic and retail premises of a similar scale to the south of the site. These buildings form an established building line, set back c.9m from the western side of Victoria Street. To the east, the street is characterised by 1½ storey detached dwellings with large front gardens set within generously sized plots, set back circa 20m from the street. Plot ratios in the surrounding area range from 11 to 46%.

The proposal would be set back from the road by c.9m, as per the established frontage of the adjacent church hall and residential premises to the south, with its footprint occupying c.23% of the plot. It is therefore considered that the development would respect the established siting of neighbouring buildings and the established building line, consistent with the Council's SG. It is therefore considered that, in terms of siting and plot coverage, the development would not constitute overdevelopment of the site, in compliance with Policy H1 of the ALDP.

Design, scale and massing

Contextually, the scale and massing proposed is compatible with that of surrounding properties. The proposal seeks to generally replicate the size and scale of residential premises to the south, albeit encompassing a mono-pitched roof where gable roofs predominate within the area. Nevertheless, it is considered that sufficient variety of building heights and roof forms exist within this section of Victoria Street, including hipped, gable, flat and a-symmetrical roofs, such that the addition of a further roof form (mono-pitched) would not result in an adverse impact on visual

amenity. The proposed materials are considered to be compatible with surrounding properties. Overall, it is considered that the proposal, in respect of design, is generally compatible with the surrounding area, one in which would have a positive impact on the visual amenity of the area, in accordance with Policy D1 of the ALDP.

Further to the above, the proposal would see the removal of a gap site, resulting in an improvement to the visual amenity of the wider area, creating additional footfall and activity to this section of Victoria Street.

Parking, road safety & sustainable travel

The Roads Development Management section has raised no concerns in respect of the proposal in respect of road safety, layout and on-site parking provision, the shortfall in which is considered acceptable taking local circumstances into account. Furthermore, the scheme would allow for cycle parking externally, offering access to sustainable modes of transportation. The development is therefore considered suitably compliant with Policy T2 (Transport and Accessibility), T3 (Sustainable and Active Travel) and associated Transport and Accessibility SG of the ALDP.

Waste management

The proposed indicative layout demonstrates adequate provision for communal residual, recyclable and compostable waste storage to the front and rear of the proposal, suitably distant from Victoria Street. It would, therefore, be considered appropriate to apply a condition requiring the submission of a scheme for the storage of waste which to be agreed with the planning authority and for its implementation prior to the commencement of the use.

Low & zero carbon buildings & water efficiency

All new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. In addition, all new buildings are required to use water saving technologies and techniques. Compliance with this requirement could be demonstrated by the submission of a statement as required in SG: Resources for New Development.

Matters raised through representation & Community Council response

With regards representations raising road safety matters, the Council's Roads Development Management team has assessed the proposal and has raised no concern in respect of road or pedestrian safety as a result of the development either within or outwith the site.

The removal of a gap site is a legitimate material consideration and it is acknowledged that the development would result in an improvement to the area in this regard, both in terms of visual amenity. Notwithstanding, the development encompasses a noise sensitive use in close proximity to a significant noise generating use (AIA), in a location where such development is not supported under the terms of policy B4. As such, it is considered that the removal of the gap site, as a material consideration, is outweighed by the provisions of Policy B4 (Aberdeen Airport) and T5 (Noise). The principle of non-residential use could be supported in this location (subject to the submission and acceptance of the required further information), and the removal of this gap site is not dependant on the provision of residential development specifically. As such, the gap site could be removed through the approval of a non-residential development which does not have the same noise sensitivity.

Concerns regarding the need/demand or lack thereof for further food and/or drinks establishments within the Victoria Street area is noted, however, no evidence to back up either position has been

presented for such assertions to be substantiated. It is considered that the provision of a class 3 use in this location could have a positive impact on the local area, and it is not considered that approval of such a use in this location would result in a clustering and/ or abundance of such uses given the nature and makeup of the area. Nevertheless, this proposal cannot be supported due to the proposed residential element for the reasons previously discussed.

Conclusion

To summarise, appropriate conditions could adequately address amenity issues associated with noise and malodour arising from the proposed class 3/ takeaway use, as well as other matters such as waste management and low and zero carbon buildings and water efficiency. However, the principle of providing residential development remains unacceptable on the basis of noise associated with the airport precluding an adequate residential environment, and the need to safeguard the future operation of AIA.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal (subject to appropriate conditions) could comply with policies H1 (Residential Areas), D1 (Quality Placemaking by Design), D2 (Landscape), T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), R6 (Waste Management Requirements for New Development) and R7 (Low and Zero Carbon Building and Water Efficiency) and the associated Supplementary Guidance documents 'Transport and Accessibility' and 'Resources for New Development' of the Aberdeen Local Development Plan. Notwithstanding, the provision of a residential flat in this location fails to comply with policies B4 (Aberdeen Airport), T5 (Noise) and the relevant sections of the associated Supplementary Guidance document 'Noise' and Technical Advice Note 'Planning and Aberdeen Airport' of the Aberdeen Local Development Plan. The principle of residential development in this location is not supported due to the inability to create an adequate residential environment due to the proximity of Aberdeen International Airport, and further, to safeguard its future operation. It is accepted that the development would result in an improvement to the visual amenity of the area through the removal of a gap site, however, this could be achieved through the provision of a non-residential development which does not have the same noise sensitivities. On the basis of the above it is considered that the proposal does not accord with the provisions of the development plan, and there are no material planning considerations that are of sufficient weight to warrant approval contrary to the provisions of the plan.