

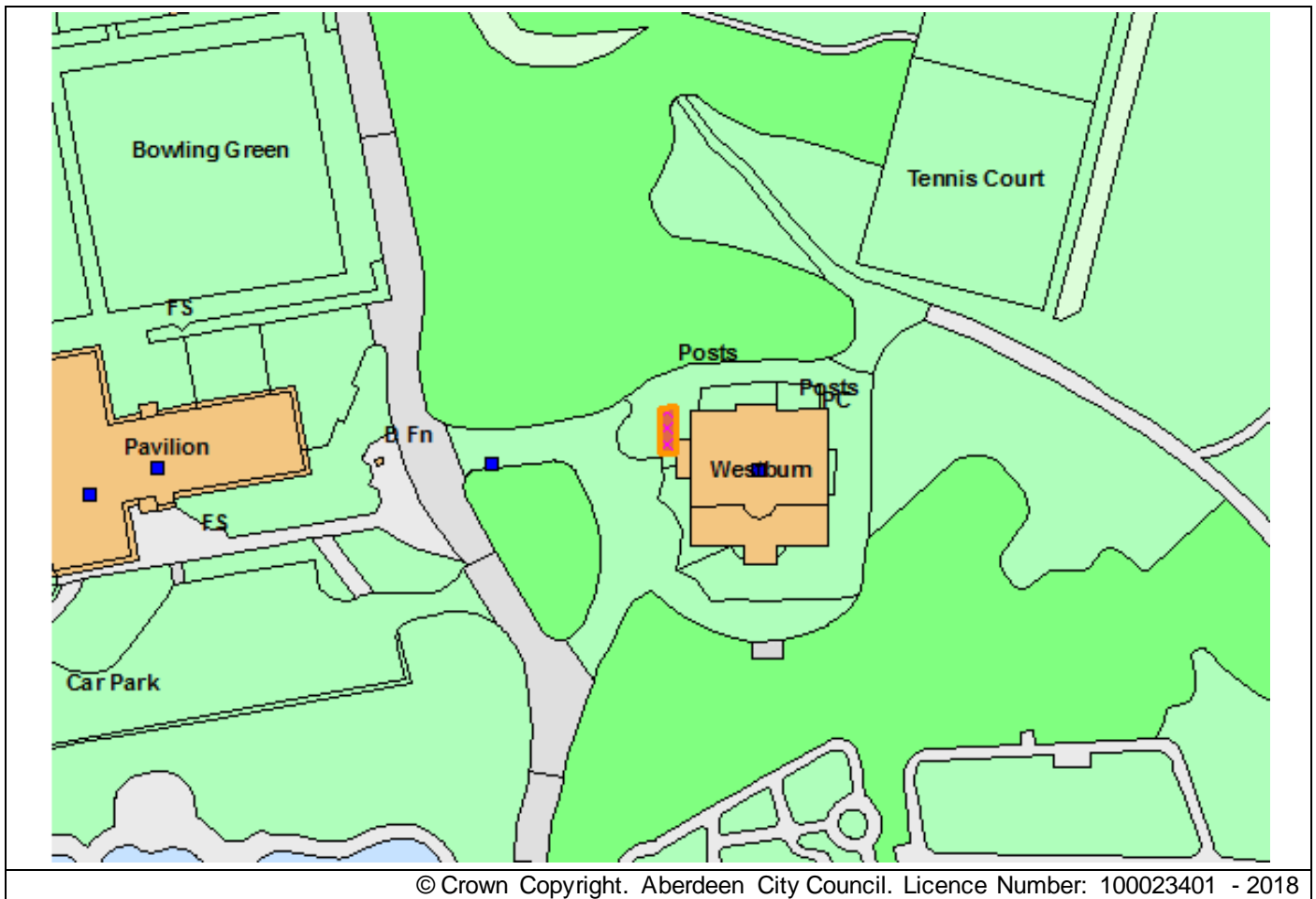


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 20 April 2023

<b>Site Address:</b>	Land Adjacent to Westburn House, Westburn Park, Westburn Road, Aberdeen
<b>Application Description:</b>	Erection of temporary hot food unit (retrospective)
<b>Application Ref:</b>	230140/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	6 February 2023
<b>Applicant:</b>	Ms Lefki Christodoulou
<b>Ward:</b>	Mid Stocket/Rosemount
<b>Community Council:</b>	Rosemount and Mile End
<b>Case Officer:</b>	Alex Ferguson



## **RECOMMENDATION**

Approve Time Limited

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a c. 50sqm rectangular area of land situated approximately 5m to the west of the category 'A' listed Westburn House building in the centre of Westburn Park. The land in question forms part of a tarmac-surfaced car parking area immediately to the west of Westburn House. Westburn House itself is a mid-19<sup>th</sup> Century, single storey building designed by Archibald Simpson, although at the time of writing it is in a state of disrepair, is enclosed by Heras fencing and its window and door openings are boarded up. It has been on the Buildings at Risk Register since 2004 and is understood to have been vacant since 1998. The wider Westburn Park is a c. 10 hectare area of parkland situated on the northern side of Westburn Road and within the Rosemount Conservation Area. The park incorporates large areas of grass, multiple mature trees to the boundaries and the central section, and bowling greens and both indoor and outdoor tennis courts.

### **Relevant Planning History**

None.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the installation of a 'Portacabin' style temporary building on a section of the car parking area immediately to the west of Westburn House, for use as a hot-food takeaway. Permission is sought for a period of 5 years. The building is a metal-clad structure which measures c. 6m in length by 2.4m in width (15sqm), with a 2.4m high flat-roof. The external metal cladding is painted red and black, with black-painted doors to the front (west) elevation and black-painted metal window shutters on either side elevation (north and south).

The building has already been installed on the site, therefore that aspect of the proposals is retrospective, although the hot-food takeaway use has not yet commenced. It is also proposed to add natural timber linings in a vertical 'board & batten' style to the building, and to attach a secure timber bin store to the side (northern) elevation.

### **Amendments**

In agreement with the applicant, the following amendments were made to the application:

Further information was provided in respect of the waste storage arrangements for the unit, with a secure timber bin store to be attached to the building, within which bins would be stored and waste collected by a commercial contractor on a weekly basis.

### **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=RPiHTIBZG7E00>

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the Rosemount and Mile End Community Council have formally objected to the application.

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – No objection. The Council's parking standards require parking for hot food takeaways based on the number of staff, the total public floor area and also for customers. The proposed development would remove one existing car parking space but as the site is within Westburn Park where there are existing parking spaces, the Roads Development Management team can accept the guideline shortfall in parking. The public roads around the park are within a Controlled Parking Zone, thus any unauthorised parking would be dealt with by city wardens, likewise there are waiting restrictions within Westburn Park itself. There are some concerns in relation to delivery drivers accessing the park but given the size of the proposal, the number of deliveries is likely to be low. Waste management requires to be agreed with the Council's Waste & Recycling team.

**ACC - Waste and Recycling** – No objection. Some general comments are provided in respect of business waste storage and collection. These have been attached as an advisory note for the applicant to be aware of.

**Historic Environment Scotland** – No objection but consider that the current location of the container adjacent to Westburn House has an adverse impact on its setting. The massing, materiality and close proximity of the container appears incongruous when seen immediately adjacent to the highly stylised pedimented porch of the house, which is in part also masks and obscures. This has an adverse impact on how the house is appreciated and experienced. Noting the application is retrospective, HEs would encourage the exploration of options to move the container to a less conspicuous location within the park, further away from the house.

**Rosemount And Mile End Community Council** – Object to the application as the building is not consistent with Aberdeen Local Development Plan 2017 (ALDP) Policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and NE3 (Urban Green Space) – as it is of an inappropriate design which detracts from the character and appearance of the Rosemount and Westburn Conservation Area and the setting of the category 'A' listed Westburn House, and the 'shipping container' building causes significant loss to the landscape character and amenity of the park and surrounding area.

## **REPRESENTATIONS**

5 representations have been received, all objecting to the application. The matters raised can be summarised as follows –

- The building is not consistent with Aberdeen Local Development Plan 2017 (ALDP) Policy D1 (Quality Placemaking by Design), being of an inappropriate design;
- The building is contrary to ALDP Policy D4 (Historic Environment) as it does not preserve the character and appearance of the Rosemount and Westburn Conservation Area, nor the setting of the category 'A' listed Westburn House;
- The 'shipping container' building causes significant loss to the landscape character and amenity of the park and surrounding area, contrary to Policy NE3 (Urban Green Space);
- The building is a danger to the adjacent category 'A' listed Westburn House – particularly if it either has a fire, or is set on fire; and
- The location is secluded at night and with no CCTV cameras it is at risk of arson and

vandalism, especially as gas canisters are not stored safely and the building has already been vandalised.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Development Plan**

#### **National Planning Framework 4 (NPF)**

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 20 (Blue and green infrastructure)

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

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. The ALDP is beyond this five-year period.

The following policies are relevant –

- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy NE3 (Urban Green Space)
- Policy R6 (Waste Management Requirements for New Development)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)

#### **Proposed Aberdeen Local Development Plan 2020 (PALDP)**

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy NE2 (Green and Blue Infrastructure)
- Policy R5 (Waste Management Requirements in New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

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

- Temporary Buildings
- Materials TAN

### **Other National Policy and Guidance**

- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland – Managing Change in the Historic Environment: Setting (MCHE: Setting)

### **Other Material Considerations**

- Rosemount Conservation Area Character Appraisal

## **EVALUATION**

### **Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity**

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. The proposed development is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises, therefore the proposals are compliant with Policy 1.

Policy 2 (Climate mitigation and adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. The proposed development is sufficiently small-scale such that it would not make any material difference to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions, given the nature of the proposals. The proposals are therefore compliant with Policy 2 of NPF4.

Policy 3 (Biodiversity) of NPF4 requires proposals for local development *‘to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local*

*guidance. Measures should be proportionate to the nature and scale of development.*’ The proposed temporary hot-food takeaway unit is small-scale and the nature of the development does not offer the opportunity for any biodiversity gain. It is thus considered that the proposals are acceptable despite some minor tension with Policy 3 of NPF4.

## **Blue & Green Infrastructure and Urban Green Space**

The application site lies at the heart of Westburn Park, which is a public park and zoned in the ALDP as Urban Green Space.

Policy 20 (Blue and green infrastructure) of NPF4 states that: *‘c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.’*

The temporary hot-food takeaway building would provide a food & drink facility that could be used by members of the public when visiting Westburn Park. It is considered that the proposed provision of such a facility would be compatible with the prevailing use of the park as urban green space, with food & drink kiosks of a similar nature generally considered to be successful and appropriate in both Duthie Park and Hazlehead Park. The temporary building is situated on a tarmac car parking area, therefore the building has no impact on natural habitats. The building, as currently installed, does have a utilitarian appearance not dissimilar to a shipping container, with the external walls finished in red and black painted metal cladding. In its current form, the Planning Service considers that the building detracts from the character of the park, which is otherwise generally of soft landscaping and greenery. However, it is proposed to clad the building with natural timber linings in order to soften its appearance and to make it more appropriate for the largely natural setting of Westburn Park. Even with the addition of timber linings, the Planning Service considers that the building would still be of little architectural merit and would clearly be of a temporary nature – as per the guidance set out in the Council’s supplementary guidance on Temporary Buildings.

The Planning Service is however satisfied that subject to conditions requiring the building to be clad in timber as per the submitted drawings, and time limiting the duration of the permission to a maximum period of 2 years, the temporary building would not have any significant or permanent adverse impact on the character of the park, allowing a new active use that would be welcomed within Westburn Park. The proposals are therefore considered to be compliant with Policy 20 of NPF4.

Policy NE3 (Urban Green Space) of the ALDP states that: *‘Permission will not be granted to redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation and sport... In all cases, development will only be acceptable provided that:*

1. *There is no significant loss to the landscape character and amenity of the site and adjoining area;*
2. *Public access is either maintained or enhanced;*
3. *The site is of no significant wildlife or heritage value;*
4. *There is no loss of established or mature trees;*
5. *Replacement green space of similar or better quality is located in or immediately adjacent to the same community, providing similar or improved health benefits to the replaced area and is accessible to that community, taking into account public transport, walking and cycling networks and barriers such as major roads.*
6. *They do not impact detrimentally on lochs, ponds, watercourses or wetlands in the vicinity of the development; and*
7. *Proposals to develop outdoor sports facilities, including playing fields and sports pitches*

*should also be consistent with the terms of Scottish Planning Policy.'*

Although sited within a park and an area zoned as Urban Green Space in the ALDP, the temporary building is sited on an area of hardstanding used for car parking and it does not constitute a proposal to redevelop any useable parkland, recreational facilities or green space. The proposals are assessed against each of the above criteria applicable to all development in areas of Urban Green Space as follows:

*1. There is no significant loss to the landscape character and amenity of the site and adjoining area*

The building is sited on a tarmacked car parking area at the heart of the park. The building is not visible from outwith the park and, due to the presence of Westburn House to the east and a significant number of trees surrounding the site to the north, south and west, the building is also not prominently visible within the park. Subject to cladding the building in natural timber linings, as proposed, and limiting the permission to 2 years, the Planning Service considers that the building would not cause any significant or permanent loss to the landscape character of the site and the surrounding area. There are no other uses in close proximity to the site that would be affected by the use, therefore amenity would be preserved.

*2. Public access is either maintained or enhanced*

The building is sited on a car parking area and although approximately two or three car spaces have been lost as a result of its installation, public access is otherwise unaffected.

*3. The site is of no significant wildlife or heritage value*

The building is sited on an area of hardstanding and has no impact on wildlife. Although the category 'A' listed Westburn House building lies immediately to the east, it is in a state of disrepair, is fenced off and is highly unlikely to be restored and brought back into use within the proposed 2-year time period of the permission. In its current state, the building's special character is significantly diminished and the Planning Service considers that a temporary permission for the hot-food takeaway would not cause any significant temporary harm to the setting of the listed building, nor any permanent harm. Similarly, the building, by virtue of its relatively discreet siting within the park, the proposed timber cladding and the temporary length of the consent, would not cause any significant harm to the character or appearance of the Rosemount Conservation Area.

*4. There is no loss of established or mature trees*

The building is sited on a car park and has not resulted in the loss of, nor any harm to, any established trees.

*5. Replacement green space of similar or better quality is located in or immediately adjacent to the same community, providing similar or improved health benefits to the replaced area and is accessible to that community, taking into account public transport, walking and cycling networks and barriers such as major roads*

This criterion is only applicable to proposals to redevelop existing areas of green space and is not relevant to this proposal.

*6. They do not impact detrimentally on lochs, ponds, watercourses or wetlands in the vicinity of the development*

The development does not impact on any bodies of water.

7. *Proposals to develop outdoor sports facilities, including playing fields and sports pitches should also be consistent with the terms of Scottish Planning Policy.'*

This criterion is not relevant to this proposal.

The proposed development, subject to conditions including a time-limited 2-year permission, is therefore considered to be compliant with Policy NE3 of the ALDP.

### **Local living**

Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4 aims to encourage, promote and facilitate connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable walking, wheeling or cycling distance of their home and notes that development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. Whilst hot-food takeaways and other food & drink uses are not specifically listed in Policy 15, it is considered that the hot-food takeaway would make a small contribution towards the local living concept promoted by NPF4, being an amenity that would add to the existing facilities available in Westburn Park which is itself within a 20 minute walk, wheel or cycle of a significant number of residential properties in the surrounding area. The proposals are therefore considered to be generally compliant with the aims of Policy 15 of NPF4.

### **Design & placemaking**

Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking by Design) of the ALDP both require all development to be of a high quality, appropriate for its context.

As noted above, the Planning Service considers that the temporary building, as currently installed, is not of an appropriate design and appearance for the character and context of Westburn Park. However, subject to cladding the building in natural timber linings, and a condition time limiting the permission to a maximum period of 2 years, it is considered that the temporary building would be of a satisfactory design for the temporary period proposed, in accordance with Policy 14 of NPF4 and Policy D1 of the ALDP.

### **Impact on the historic environment**

Policy 7 (Historic Assets and Places) of NPF4, Historic Environment Policy for Scotland (HEPS) and Policy D4 (Historic Environment) of the ALDP all require development proposals (where relevant) to either preserve or enhance the setting of any affected listed building and the character and appearance of the conservation area.

The building lies within the Rosemount Conservation Area and adjacent to (c. 5m to the west of) the 19<sup>th</sup> Century, category 'A' listed Westburn House building. The Archibald Simpson designed villa is of national historic importance and it occupies a prominent position at the heart of Westburn Park. Ordinarily, if Westburn House were in a reasonable state of repair and / or in use then the Planning Service would agree with Historic Environment Scotland that the placement of the hot-food takeaway building in front of its western elevation entrance portico would adversely affect the setting of the listed building. However, Westburn House has lain vacant and been on the Buildings at Risk Register since 1998 and is in an increasingly dilapidated state. It has been boarded up and fenced off since at least 2014, with a large hole now present in the roof and vegetation growing out of and around the building, including a significant amount of vegetation behind the fencing which obscures



much of the public views of the west elevation portico when in leaf in the summer months.

Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance on Setting (MCHE: Setting) states that:

*'Changes in the surroundings since the historic asset or place was built should be considered, as should the contribution of the historic asset or place to the current landscape.'*

The special character of Westburn House and its setting are considered to be already adversely affected by the building's current poor condition, the surrounding perimeter security fencing and overgrown vegetation. The granting of a permanent planning permission for the installation of a building in front of the western elevation would not be supported, given it would adversely affect the setting of Westburn House in the event that it is repaired, refurbished and brought back into use. However, the Planning Service considers that the current condition of Westburn House is a significant material consideration and that it is unlikely that it will be refurbished within the next 2 years. Therefore the granting of a time-limited 2-year permission would ensure that any adverse impact on the setting of Westburn House would be minimal due to the building's existing condition, temporary and fully reversible, with the hot-food takeaway building required to be removed after 2 years.

It is also considered that the granting of a 2-year consent for the timber-clad building would not cause any significant or permanent harm to the character or appearance of the Rosemount Conservation Area, for much the same reasons as noted above, and also because the building is otherwise relatively discreetly sited within the park, on a car parking area surrounded by established trees.

The proposed development is therefore considered to be acceptable on a temporary basis, in accordance with Policy 7 of NPF4 and Policy D4 of the ALDP.

### **Temporary Buildings supplementary guidance**

The Council's Temporary Buildings supplementary guidance (SG) states that temporary buildings should:

- Be located appropriately – normally to the rear of existing buildings and away from public views;
- Avoid the loss of existing parking spaces, but with particular attention paid to the need to encourage sustainable travel;
- Avoid landscaped areas; and
- Not be sited within conservation areas or the grounds of a listed building where the building would adversely affect the character of the conservation area or the setting of the listed building.

The Temporary Buildings SG further notes that in most circumstances three years will be a reasonable timescale for any permanent accommodation solution to be found, therefore that will typically be the maximum initial time period granted for a portable, temporary building.

Although the temporary building would be sited in front of the listed Westburn House, within the conservation area and within public views, it is considered that the temporary building would not cause any significant harm to visual amenity or the historic environment for the aforementioned reasons. Although approximately two or three car parking spaces would be lost, this is not considered to be significant given the availability of other car parking in the park and the likelihood

of the majority of park users walking or cycling to the park, rather than driving. The building would also not remove or obscure any soft landscaping.

Whilst the SG states that 3 years is the typical initial period granted for portable, temporary buildings, the Planning Service acknowledges that it would cause some harm if retained on a more permanent basis, therefore a reduced period of 2 years is considered to be appropriate in this instance, whilst still allowing sufficient time for the operator to explore a more appropriate permanent solution elsewhere in the park, if desired. It is also proposed to reduce the standard three-year period in which the permission can be implemented to one year, in order to retain control over the use and to adequately limit its impacts. Subject to the aforementioned conditions, the temporary building is considered to be acceptable despite some tension with the Temporary Buildings SG.

## **Waste Management**

Policy 12 (Zero Waste) of NPF4 and Policy R6 (Managing the Waste Requirements of New Development) of the ALDP both require new developments to have sufficient space for the suitable storage and collection of any waste generated. The applicant proposes to add a secure timber bin store enclosure to the side of the building, within which the waste and recycling bins would be stored and collected by a commercial waste contractor on a weekly basis. The bin storage proposals are accepted by the Council's Waste & Recycling team and are compliant with Policy 12 of NPF4 and Policy R6 of the ALDP.

## **Transport & Accessibility**

Policy 13 (Sustainable Transport) of NPF4 and Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the ALDP all require significant weight to be given to prioritising the use of sustainable and active modes of travel including walking, wheeling, cycling and public transport instead of private vehicle trips. Although approximately two or three car parking spaces would be lost as a result of the placement of the building on the car park, this would represent a minor reduction in the overall number of parking spaces in the park, with ample parking adjacent to Westburn House, further to the west outside GetActive@Westburn and outside the Aberdeen Tennis Centre building to the north. It is also considered that the majority of users of Westburn Park are likely to live within walking distance of the park and to access it sustainably. The loss of approximately two spaces on a temporary basis for 2 years is therefore not considered to be a concern and the proposals are therefore compliant with Policies 13 of NPF4, and T2 & T3 of the ALDP.

## **Matters raised by the Community Council and in third party representations**

The matters raised by the Community Council and in third party representations are mostly addressed in the foregoing evaluation. The remaining matters not addressed above are responded to as follows:

- *The building is a danger to the adjacent category 'A' listed Westburn House – particularly if it either has a fire, or is set on fire; and*
- *The location is secluded at night and with no CCTV cameras it is at risk of arson and vandalism, especially as gas canisters are not stored safely and the building has already been vandalised.*

Response: Any anti-social behaviour or criminal activity, such as arson, that the temporary building could potentially be subject to would be covered by separate legislation at that time and is not considered to be a material planning consideration in this instance. Similarly the safe storage of gas canisters and the potential for a hypothetical fire from the building to damage the adjacent Westburn

House are also not material planning considerations.

## **Proposed Aberdeen Local Development Plan**

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

### **RECOMMENDATION**

Approve Time Limited

### **REASON FOR RECOMMENDATION**

The proposed development would be of a sufficiently small scale and nature such that it would not materially affect the global climate and nature crises, in accordance with Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4). The works would not offer up the opportunity for climate mitigation or adaptation, thus there is no conflict with Policy 2 (Climate Mitigation and Adaptation) of NPF4. The works would be sufficiently small in scale and nature and do not provide the opportunity for any on-site biodiversity gain, therefore the proposals are acceptable despite some minor tension with Policy 3 (Biodiversity) of NPF4.

The building as currently installed is of a harsh utilitarian appearance. However, it is proposed to clad the building in natural timber linings which would soften its appearance and make it more visually appropriate for the context and character of the surrounding area. Given its temporary nature and its siting adjacent to the category 'A' listed Westburn House, it is considered that the retention of the building on a permanent basis would cause harm to the setting of the listed building, to the character and appearance of the conservation area and to the character of Westburn Park as an area of urban green space. Given the current and longstanding dilapidated state of Westburn House however, the Planning Service considers that the grant of a time-limited permission for a period of 2-years would ensure that the building would ensure that any harm to the setting of the listed building, the conservation area and the urban green space would be relatively minimal, temporary and fully reversible. The proposals are therefore considered to be acceptable on a temporary basis, generally in accordance, despite some tension, with Policies 7 (Historic Assets and Places), 14 (Design, Quality and Place) and 20 (Blue and Green Infrastructure) of NPF4 and Policies D4 (Historic Environment), D1 (Quality Placemaking by Design) and NE3 (Urban Green Space) of the Aberdeen Local Development Plan 2017 (ALDP), and the Council's supplementary guidance on Temporary Buildings.

The development would have suitable provision for the storage of any waste generated and would be accessible via sustainable and active modes of transport, in accordance with Policies 12 (Zero Waste) and 13 (Sustainable Travel) of NPF4 and Policies R6 (Waste Management Requirements in New Development), T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the ALDP. The proposed development is also considered to be generally compliant with the aims of Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4 and all relevant corresponding policies of the Proposed Aberdeen Local Development Plan 2020, which substantively reiterate the requirements of the aforementioned policies of the ALDP.

### **CONDITIONS**

(1) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of one year beginning with the date of this notice. If development has not begun at the expiration of the one-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

## (2) TIME LIMIT

The hereby approved temporary hot-food takeaway building and any associated structures and equipment shall be removed from the site by no later than 30 April 2025.

Reason: The character and siting of the building is not such as to warrant its retention on a permanent basis – in the interests of preserving visual amenity, the setting of Westburn House and the character and appearance of the conservation area.

## (3) TIMBER CLADDING & BIN STORE INSTALLATION

The hereby approved hot-food takeaway building shall not be operated unless its external walls have been clad with timber linings and the secure bin store enclosure has been installed, as per approved drawing 1071-01 Rev B.

Reason: In order to ensure that the temporary building would have a more appropriate appearance for the setting of the area and that any waste generated by the use would be adequately stored pending collection.

## **ADVISORY NOTES FOR APPLICANT**

### (1) COMMERCIAL WASTE MANAGEMENT

- Business premises need to be provided with a bin store to allocate, within the property curtilage for the business waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that all businesses from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:

- o An area of hard standing at storage and collections point(s)
- o Dropped kerb at proposed bin collection point
- o Yellow lines in front of bin collection point
- o Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document:

[http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste\\_000.pdf](http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf) and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>