



Planning Development Management Committee

Report by Development Management Manager

Committee Date: 21 August 2025

Site Address:	33 Holburn Street, Aberdeen, AB10 6BS
Application Description:	Change of use to Class 3 (food and drink) with hot food take away (sui generis), including installation of extract duct, replacement fire escape door, new doors, access ramp, handrails and associated works
Application Ref:	250214/DPP
Application Type	Detailed Planning Permission
Application Date:	28 March 2025
Applicant:	Aymm Food Ltd
Ward:	Torry/Ferryhill
Community Council:	City Centre



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a commercial unit which occupies the ground floor level of a 3½ storey mid-terraced tenement building of traditional design, located on the eastern side of Holburn Street between its junctions with Justice Mill Lane and Union Street. The premises has been in use as a café (Café Oregano) since early 2024 and had lain vacant for several years prior to that. The premises includes a pitch-roofed single storey extension which projects approximately 7 m along the mutual southern boundary out from the rear (east) elevation of the building. The upper floors of the building are in residential use as flats, whilst the neighbouring properties at ground floor level to the north and south of the application premises are also in commercial use as a hair salon and a public house respectively. An external residential amenity area (roof terrace) at first floor level adjoins the application site to the south, serving upper floor flats at 37 Holburn Street. The application building lies within the City Centre Conservation Area.

Relevant Planning History

- 150149 – Planning permission for alterations to the shopfront was approved under delegated powers in April 2015.
- 150808 – Planning permission for the change of use of the unit from retail (Class 1) to food and drink (Class 3) was approved under delegated powers in August 2015.
- 201409/DPP – A detailed planning permission application for the change of use of the unit from Class 1 (Shops) to Class 3 (Food and Drink) with hot-food takeaway (sui generis), including installation of vents and three wall mounted air condition units with associated works, was withdrawn by the applicant in April 2022.
- 221030/DPP – A detailed planning permission application for the change of use of the unit from Class 1 (Shops) to Class 3 (Food and Drink) with hot-food takeaway (sui generis), including installation of vents and three wall mounted air conditioning units with associated works, was withdrawn by the applicant in November 2022.
- 230247/DPP – Planning permission for the change of use of the unit from Class 1A (Shops) to Class 3 (Food and Drink) with hot-food takeaway (sui generis), including installation of extract flue and air conditioning unit with associated works, was refused under delegated powers in June 2023. The application was refused as the odour impact assessment submitted was not sufficient to demonstrate that the occupants of neighbouring residential properties would not be adversely affected by cooking odour emissions, and as a large kitchen extract flue proposed to be installed to the rear of the building would have had an adverse impact on the amenity of neighbouring residents.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought to change the use of the premises to a mixed-use development comprising Class 3 (Food and Drink) and hot-food takeaway, and for the installation of an associated kitchen extract vent grille and fire escape door.

The kitchen extract grille would comprise a c. 1200 mm wide by 600 mm high rectangular metal vent grille that would be installed within a redundant window opening just above ground floor level on the rear elevation. The fire escape door would be installed on the side (north) elevation of the existing single storey rear extension. Bins are to be stored within the rear curtilage.

Amendments

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

- Noise impact assessment submitted

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=SSJTH4BZGM200>

- Noise impact assessment
- Odour impact assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because:

- it is being recommended for approval and has been the subject of six or more timeous letters of representation containing material planning considerations that express objection or concern about the proposal.

Determination of the application therefore falls outwith the scheme of delegation.

CONSULTATIONS

Aberdeen City Council (ACC) Internal Consultees

- **ACC - Environmental Health** – No objection. The findings of the noise and odour impact assessments are accepted and, subject to the implementation of the mitigation measures recommended within them, including (but not limited to); the installation of an appropriate local extract ventilation system for the kitchen incorporating carbon filtration and silencers, the installation of an acoustic suspended ceiling and a restriction on the opening hours of the use to between 07:00 and 22:00, the proposed change of use would not result in any significant harm to the amenity of neighbouring residents. An advisory note is also recommended, for the operator to establish a written odour management plan, to reduce the risk of malodour and statutory nuisance going forward.
- **ACC - Roads Development Management Team** – No objection. The site is located in the city centre, in controlled parking zone B. The site has no parking and none is proposed, which is expected and required in the city centre. It is proposed that communal bins to the rear would continue to be utilised. This location is acceptable from a Roads Development Management perspective; however, the suitability of the location and use of communal bins should be checked with the waste and recycling team.

- **ACC - Waste and Recycling** – No objection. Bins should be presented on collection days on Justice Mill Lane and then stored in specified bin storage areas. Bins should not be stored permanently on the pavement.

External Consultees

- **City Centre Community Council** – No comments received.

REPRESENTATIONS

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

Material Considerations

1. There is already an overprovision of hot-food takeaways in the area, which affects the quality of living, health and wellbeing.
2. Noise pollution from the use (from the kitchen extract equipment and late opening hours) could have an adverse impact on the physical and mental health of adjacent residents.
3. The kitchen extract vent grille would be sited in close proximity to first floor windows and a neighbouring roof terrace, and as the odour impact assessment highlights a 'very high risk' of cooking malodours, regardless of any mitigation, cooking odour emissions would have an adverse impact on residential amenity, as well as for a neighbouring hair salon, which draws air in from the rear courtyard for ventilation.
4. Customers could congregate outside the property, particularly in the late evening and early morning periods, to the detriment of residential amenity.
5. The use would have adverse implications for pedestrian safety, with the pavement outside the premises being narrow.
6. Delivery drivers already park on the opposite side of the street and create road safety issues which could be exacerbated.
7. The planning application incorrectly assumes the use of land (courtyard and washhouses) which the applicant does not own or have rights to.
8. The use of the rear courtyard for waste storage would compromise its use by residents as an external, recreational space.

Non-Material Considerations

1. There are already issues of anti-social behaviour, litter, vermin and vandalism in the area, which could be exacerbated by the proposed use.
2. The owners of the flats above the application property could suffer from adverse implications in relation to saleability, obtaining insurance or renewing mortgages should the application be approved.
3. The title deeds for the building prohibit the operation of any premises that would carry on a 'nauseous trade'.

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

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.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 23 (Health and Safety)
- Policy 27 (City, Town, Local and Commercial Centres)

Aberdeen Local Development Plan 2023

- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy H2 (Mixed Use Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC1 (Vibrant City)
- Policy WB3 (Noise)

Aberdeen Planning Guidance

- Harmony of Uses
- Noise

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)

Other Material Considerations

- City Centre Masterplan (CCMP)

EVALUATION

Key Determining Factors

The key determining factors in the assessment of this application are whether the proposed use and associated development would:

- Enhance the vitality, vibrancy and viability of the city centre; and
- Preserve the character and amenity of the surrounding area, and prevent the overprovision of uses that could be harmful to the health and wellbeing of the community.

City Centre Development and Mixed-Use Areas

The application site lies within the City Centre, and within a Mixed-Use area, both as zoned in the Aberdeen Local Development Plan 2023 (ALDP).

City Centre Development

Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4) is supportive of development proposals in city centres that improve the vitality and viability of the centre, including proposals that increase the mix of uses. It notes that development proposals for non-retail uses, including hot-food takeaways, will not be supported if further provision of these services will undermine the character and amenity of the area, or the health and wellbeing of communities, particularly in disadvantaged areas. Policy VC1 (Vibrant City) of the ALDP has similar aspirations in terms of enhancing vitality and vibrancy, particularly into the evening periods. Policy VC1 also requires proposals to contribute towards the wider aims of the City Centre Masterplan (CCMP). The CCMP promotes the increased vitality and vibrancy of the city centre, including enhancing the offering for visitors.

The use of the unit as a restaurant and hot-food takeaway would provide a food and drink offering in the city centre, enhancing vitality and viability. The use of the unit would also maintain and possibly enhance the vibrancy of the area, with increased footfall and activity, particularly in the evening periods.

At the northern end of Holburn Street, between its junctions with Union Street and Union Grove, aside from the application property, there is one existing restaurant (Travancore at 11 Holburn Street) and one café (Turquoise at 28 Holburn Street), in addition to two public houses (The Glentanar and Foundry). Just beyond Union Grove to the south there are four hot-food takeaways in close proximity (The Fat Pizza, Rosa's, Chicking and Papa John's at 51, 55, 73 and 77 respectively). There is also a further hot-food takeaway to the rear of the application site on Justice Mill Lane (Justice Mill Fish Bar). As such, whilst there are no dedicated hot-food takeaways (not associated to restaurants) on the northernmost section of Holburn Street to the north of Union Grove, it is acknowledged that there are a reasonable number of them in the wider surrounding area. The proposed restaurant and hot-food takeaway would thus add to the number of hot-food takeaways in the surrounding area, although it would contain a reasonable amount of seating, to be used as a café, and would thus not solely function as a takeaway.

However, despite there being other hot-food takeaways in the area, the proposed restaurant and hot-food takeaway use would not cause any significant harm to the character or amenity of the area, for the reasons set out in the following section of the evaluation. Additionally, in relation to health and wellbeing in disadvantaged areas, the application site straddles two data zones (City Centre West and West End North) which are not identified as being particularly deprived overall on the

[Scottish Index of Multiple Deprivation map](#) (SIMD).

As the healthiness (or otherwise) of food sold by restaurants and hot-food takeaways is not a material planning consideration and thus cannot be controlled by the Planning Service, there is no substantive planning policy, guidance or evidence to suggest that the approval of the application, and thus a further hot-food takeaway in the area, would be to the significant detriment of the local community's health and wellbeing (*Issue 1 in representations*). Rather, it would offer additional choice to the existing offering in the surrounding area, whilst occupying an otherwise potentially vacant commercial unit at street level. The proposal is therefore considered to be generally compliant with the aims of Policy 27 of NPF4, as well as the aspirations of Policy VC1 of the ALDP and the CCMP.

Mixed Use Areas

Similar to Policy 27 of NPF4, Policy H2 (Mixed Use Areas) of the ALDP requires applications for development or change of use in mixed use areas to take into account the existing uses and character of the surrounding area and avoid direct conflict with the adjacent land uses and amenity. Where new commercial uses are deemed appropriate, they should not adversely affect the amenity of people living and working in the area.

As assessment of the impact of the proposed change of use, and associated physical works, on the character and amenity of the area, is set out below.

Impact on the Character of the Area

The site lies in a busy, mixed-use area at the northern end of Holburn Street which is characterised by a mix of commercial uses at street level, including some restaurants, public houses, shops and hot-food takeaways, along with residential flats on the upper floors. Given its proximity to Union Street, the area sees a high level of activity and background noise emissions throughout the day and into the evening periods, both from vehicular traffic and from pedestrians, reflected in its zoning within the defined city centre. Therefore, whilst there are a significant number of residential properties in the surrounding area, including flats above the application premises, the character of the area is more busy, noisy and vibrant than that of a typical residential street. Given the existing level of activity and associated background noise, the proposed use of the existing commercial unit as a restaurant and hot-food takeaway (proposed to be open until 22:00) would not have any significant impact on the character of the area. The associated physical works to the building would be minor and would also have no adverse impact on the visual character of the area, for the reasons set out below in the 'Design Quality and Impact on the Historic Environment' section of the evaluation.

Impact on the Amenity of the Area

The Council's Harmony of Uses Aberdeen Planning Guidance (APG) highlights various aspects of hot-food takeaways that can adversely impact on residential amenity (including noise and odour emissions, litter and road safety) and states a general presumption against hot-food takeaways adjacent to residential properties unless it can be demonstrated that there would not be any significant harm to amenity.

Policy 23 (Health and Safety) (e) of NPF4 states:

e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests

that significant effects are likely.

Policy WB3 (Noise) of the ALDP states a presumption against noise generating developments, as identified by a Noise Impact Assessment, being located close to noise sensitive developments such as housing, unless suitable mitigation measures are in place to reduce the impact of noise.

The applicant has submitted an Odour Impact Assessment (OIA) as part of the application which acknowledges that, without any mitigation, the cooking operations of the unit would pose a very high risk of harm to the amenity of neighbouring (upstairs) residential properties in relation to cooking odours. However, in line with the mitigation measures recommended in the OIA, it is proposed to filter and discharge cooking odours from the hot-food takeaway's kitchen via a new local extract ventilation (LEV) system to be installed internally and fitted with noise silencers, which would then be discharged from an extract vent grille to be installed on the building's rear elevation, just above ground floor level. The upper floors of the building are all in residential use, with some first-floor windows of neighbouring flats on the rear elevation situated in close proximity to where the vent grille would be sited, although the nearest window serves the communal tenement stairwell, rather than a room in a private flat. The grille would also be positioned near to a communal rooftop terrace at first floor level used by the residents of the neighbouring tenement block at 37 Holburn Street to the south. However, subject to the implementation of the mitigation measures recommended in the OIA – including carbon filtration, grease baffle filters and an electrostatic precipitation filtration unit – the Council's Environmental Health Service are satisfied with the conclusion of the OIA that the cooking odours would be satisfactorily filtered and neutralised, ensuring that there would be no adverse impacts on any neighbouring properties (*Issue 3*).

The applicant has also submitted a noise impact assessment (NIA) which includes recommended mitigation measures including the fitting of silencers to the LEV equipment, the installation of a new suspended ceiling in the ground floor unit and a restriction on the opening hours to between 07:00 and 22:00 on any given day, in order to ensure that the amenity of the upper floor flats would not be adversely affected by noise emissions.

The Council's Environmental Health Service are satisfied that, subject to the implementation of the mitigation measures recommended in the NIA, the proposed use would not adversely affect the amenity of the neighbouring residents in terms of noise emissions (*Issue 2*).

Although the implementation of the noise and odour mitigation measures would be sufficient to ensure that the impacts of noise and cooking odours from within the unit on residential amenity would be adequately mitigated, it is noted that hot-food takeaways can result in additional noise emissions from customers (both internal and external) and delivery drivers, particularly in the evening periods which may be quieter than during the day. However, given the applicant's NIA recommends a restriction on the opening hours, which is to be controlled by condition, the use would not operate between 22:00 and 07:00 the following day, thus there would be no amenity impacts arising from the use during the quieter, more sensitive, late evening and early morning periods (*Issue 4*). Any noise generated by customers both inside and outside the premises up to 22:00 would not likely have any significant impact on the amenity of neighbouring residents given the busy nature of the northern section of Holburn Street and the late opening hours of various other uses in the surrounding area.

In relation to traffic disturbance, the application site lies within a controlled parking zone and there are double yellow lines immediately in front of the premises and further along the northernmost section of Holburn Street. As a result, the potential for lawful parking by customers or delivery drivers to adversely affect on-street parking supply or road safety is minimal and any unlawful parking in the area could be dealt with under separate legislation should it occur. Given the site lies in a mixed-use area, and within walking distance of a significant number of residential properties, it is

anticipated that most customers would likely access the property on foot, thereby not introducing any significant parking issues. Should any customers wish to park in the area whilst collecting food, there is some pay and display on-street parking available for non-permit holders on nearby streets. Any parking required for customers would be short-stay only and would not be likely to have any significant impact on local parking supply. In relation to the potential for increased litter, given the site's location within the city centre, there are multiple on-street litter bins nearby which could be used by customers to deposit waste. Any litter dropped by customers could be controlled by separate legislation and cannot be controlled through the planning process.

Therefore, subject to the implementation of the mitigation measures listed in the applicant's noise and odour impact assessments, including a restriction on the opening hours, all to be secured by conditions, the proposed use would not adversely affect the amenity of any neighbouring uses to any significant degree. The proposed development is therefore acceptable in accordance with Policies 23 and 27 of NPF4, Policies H2 and WB3 of the ALDP, and the guidance set out in the Harmony of Uses and Noise APG.

Design Quality and Impact on the Historic Environment

Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP both seek to ensure that all development is of a high-quality design, appropriate for its context.

The site lies within the City Centre Conservation Area and Policy 7 (Historic Assets and Places) of NPF4, Policy D6 (Historic Environment) of the ALDP and Historic Environment Policy for Scotland (HEPS) all require development in conservation areas to either preserve or enhance the character and appearance of the conservation area.

The only works proposed to the exterior of the building would be minor, comprising the installation of the aforementioned extract vent grille on the rear elevation and the installation of a new fire escape door in the side elevation of the existing single storey rear extension. The existing shopfront and integral ventilation grille would remain unchanged. The proposed extract grille to the rear would be a modestly sized rectangular (c. 1200 mm x 600 mm) metal louvred unit, fitted within an existing, redundant window opening. The fire escape door would be fitted into a newly slapped opening in the rear extension, which has been altered previously.

The external works would be of a small scale and would be discreetly sited on the building's rear elevation, such that they would not significantly affect the external appearance of the building and would not be visible from any public viewpoints. The works would thus be of an appropriate design quality for the context of the building in accordance with Policy 14 of NPF4 and Policy D1 of the ALDP, and they would preserve the character and appearance of the conservation area, in accordance with Policy 7 of NPF4, Policies D6 and H2 of the ALDP, and HEPS.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements in New Developments) of the ALDP both require sufficient space to be provided within new developments for the adequate storage and collection of any waste generated by the development. The applicant proposes to store commercial bins within the rear curtilage of the building, as is the existing situation, with the bins to then be collected kerbside on Justice Mill Lane, via an open pathway connecting the two. The small, enclosed and hard-landscaped rear curtilage of the building is shared with the upper floor flats but it is clear that it does not function as a useable amenity space, but rather as a utilitarian area for the storage of bins and other items. The storage of commercial waste bins in the shared rear curtilage would therefore not pose any issues in relation to residential amenity, nor visual amenity (*Issue 8*). The commercial waste bins could thus be adequately stored and collected, in

accordance with Policy 12 of NPF4 and Policy R5 of the ALDP.

Transport & Accessibility

Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP seek to ensure that all new development would be accessible by sustainable and active modes of transport, minimising the need for private vehicle trips. Policy T3 (Parking) of the ALDP states that no car parking should be associated to new developments in the city centre. The application site lies in a highly accessible location within the city centre which is accessible by foot, bicycle and public transport. No dedicated car parking is proposed and none is required. The proposed change of use is thus acceptable in accordance with Policies 13, T2 and T3.

As the site lies in a controlled parking zone, with the section of Holburn Street adjacent to the application property double yellow lined, any indiscriminate parking by delivery drivers or customers would be unlawful and could be addressed under separate legislation, should it occur (*Issue 6*). It is acknowledged that the pavement outside the unit is somewhat constrained and narrowed by the placement of a bus shelter immediately in front of the premises, but it is not anticipated that the proposed change of use would have any significant implications for pedestrian safety or otherwise lead to large congregations of customers immediately outside it, particularly given it would accommodate internal seating and would not operate solely as a takeaway (*Issue 5*).

Re-use of existing buildings

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 states that:

- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.*

Policy 12 (Zero Waste) of NPF4 adds further support for the re-use of existing buildings and infrastructure and given the proposed development would re-use an existing commercial unit, with no external demolition or significant additions required, the proposed change of use would be sustainable in accordance with Policies 9 and 12 of NPF4.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. 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 development is sufficiently small-scale such that it does not, in itself, make any direct difference to the global climate and nature crises, nor to climate mitigation and adaptation and the proposals therefore do not conflict with Policies 1 and 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 change of use is small-scale and the nature of the development is such that it does not offer any opportunities for on-site biodiversity gain, nor would any biodiversity gain be proportionate to the nature and scale of the intended works. It is thus considered that the proposals are acceptable despite some minor tension with Policy 3 of NPF4.

Issues Raised in Representations

Issues 1 to 6 and 8 raised in the representations received have been addressed in the foregoing evaluation. The remainder of the issues raised are addressed below:

7. The planning application incorrectly assumes the use of land (courtyard and washhouses) which the applicant does not own or have rights to.

Response: Land ownership is not a material planning consideration. Nevertheless, the applicant has advised that they do have appropriate legal access to utilise the rear curtilage for the storage of their bins. Any disputes regarding land ownership and access rights would be a civil matter between the various parties.

ADMINISTRATIVE MATTERS

Neighbouring properties were re-notified of the application in July 2025, following the submission of additional information (noise impact assessment) by the applicant in June.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed use would contribute towards the vitality, viability and vibrancy of the city centre, including into the evening hours, and thus accords with the aspirations of the City Centre Masterplan, Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4) and Policy VC1 (Vibrant City) of the Aberdeen Local Development Plan 2023 (ALDP).

Although in close proximity to residential properties, the application site lies in an area where there are a mix of uses and there is a significant level of activity resulting from other commercial uses, vehicular traffic and pedestrian footfall. The proposed restaurant and hot-food takeaway would not have any significant adverse impact on the health and wellbeing of the local community, would provide wider choice for customers, would preserve the character of the area and, subject to the implementation of noise and odour mitigation measures secured by conditions, the use would not adversely affect the amenity of any neighbouring properties to a significant degree. The proposed change of use is therefore acceptable in accordance with Policies 23 (Health and Safety) and 27 of NPF4, Policies H2 (Mixed Use Areas) and WB3 (Noise) of the ALDP, and the Council's Aberdeen Planning Guidance on Harmony of Uses and Noise.

The associated physical works to the exterior of the building would be discreetly scaled and sited on the building's rear elevation and would be of an appropriate design for the context, in accordance with Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP. The works would preserve the character and appearance of the conservation area, in accordance with Policy 7 (Historic Assets and Places) of NPF4, Policy D6 (Historic Environment) of the ALDP and Historic Environment Policy for Scotland.

The development would have sufficient means for the adequate storage and collection of any waste and recyclables generated, in accordance with Policy 12 (Zero Waste) of NPF4 and Policy R5

(Waste Management Requirements for New Development) of the ALDP. The application site lies in a sustainably accessible location, would likely serve a local catchment area and could be accessed via sustainable and active modes of travel, in accordance with Policies 13 (Sustainable Transport) of NPF4, T2 (Sustainable Transport) and T3 (Parking) of the ALDP.

The development would be sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals, therefore the proposed development is compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. There is no opportunity to enhance on-site biodiversity, therefore the proposals are acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

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

(02) ODOUR MITIGATION

The hereby approved use shall not operate unless the critical odour mitigation measures achieving at least an equivalent effect of the measures listed in the approved Odour Impact Assessment (CCDP – November 2024 – Revision C) have been implemented in full, and suitable evidence of their installation has been provided to the planning authority. The mitigation measures shall include (but are not limited to) the installation of the local extract ventilation system detailed in the Proposed Kitchen Ventilation plan (drawing no. 4978-M(50)01), incorporating the following:

1. Grease baffle filters within extract canopy (providing initial grease removal/fire protection);
2. An ESP 3000 electrostatic precipitator;
3. A carbon filtration unit capable of achieving a 0.8 second carbon filter residence time.

Reason: In order to protect the amenity of neighbouring residential properties from cooking odour emissions.

(03) NOISE MITIGATION

The hereby approved use shall not operate unless the noise mitigation measures listed in the approved Noise Impact Assessment (Couper Acoustics, 22nd June 2025 [Ref: 0989212314 – V1]) have been implemented in full and suitable evidence of their installation has been provided to the planning authority. The mitigation measures shall include (but are not limited to):

Local Extract Ventilation (LEV) Noise:

1. The Local Extract Ventilation (LEV) outlet is located as shown in Figure 2 of the report.
2. The LEV shall have an extract fan with equivalent (or lower) noise emissions than the Soler & Palau ILHB-450 CC ECOWATT Fan (as detailed in Appendix A).
3. The LEV shall be fitted with a silencer that provides (as a minimum) the dynamic insertion

loss values shown in Table 2 of the report.

4. The LEV design (Drawing No. 4978-M(50)01 C) should be updated to include an additional silencer or acoustic louvre that provides (as a minimum) the dynamic insertion loss values shown in Table 3 of the report.

Internal Noise Transmission:

5. Inspection and repair (if necessary) of the existing ceiling in accordance with Section 5.06 - 5.07 of the report.
6. Installation of a new independent ceiling in accordance with Section 5.10 - 5.11 and Appendix B.
7. Wall cupboards, voids or hidden fireplaces should be blocked up in accordance with Section 5.13 of the report.
8. Implementation of the additional mitigation measures detailed in Table 6 of the report.

Reason: To protect the amenity of neighbouring residential properties from noise emissions.

(04) OPENING HOURS

The hereby approved use shall only operate between the hours of 07:00 and 22:00 on any given day.

Reason: To protect the amenity of neighbouring residential properties from noise emissions in the late evening and early morning periods.

ADVISORY NOTES FOR APPLICANT

(01) ODOUR MANAGEMENT PLAN

It is recommended that the operator establishes a written Odour Management Plan including cleaning and maintenance procedures for the plant (based on extent of usage), in accordance with the manufacturer's guidelines, to reduce the risk of malodour and statutory nuisance going forward.

(02) BUSINESS WASTE INFORMATION

- 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:

- An area of hard standing at storage and collections point(s)
- Dropped kerb at proposed bin collection point
- Yellow lines in front of bin collection point
- 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 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>