

# **Aberdeen Planning Guidance 2023: Harmony of Uses (DRAFT)**

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# **1. Introduction**

## **1.1 Status of Aberdeen Planning Guidance**

This Aberdeen Planning Guidance (APG) supports the Development Plan and is a material consideration in the determination of planning applications.

This APG expands upon the following Aberdeen Local Development Plan policies:

- Policy VC1 – Vibrant City
- Policy VC4 – City Centre and Retail Core
- Policy VC5 – City Centre Living
- Policy VC6 – West End Area
- Policy VC7 – West End Shops and Cafes
- Policy VC8 – Town, District, Neighbourhood and Commercial Centres
- Policy VC10 – Local Shop Units

## **1.2 Background**

Having a mix of uses in the city centre can strongly complement the prime retail focus for the City Centre Retail Core and the wider city centre. A diverse range of uses (including entertainment, office, retail, hotel, leisure, tourism, cultural, public and residential) can occupy a wide range of types of space including upper and lower floors as well as older ground-floor frontage properties. Whilst this mix of uses can create a vibrant setting, it is important to ensure that the mix does not impact negatively on existing uses or result in overprovision and / or clustering. The guidance below outlines considerations that need to be addressed when developing:

- Hot Food Shops;
- Liquor Licensed Premises (with exceptions of hotels, restaurants, cafes and off-licenses);
- Amusement Centres, Amusement Arcades and Casinos;
- Street Cafes;

- Living / Working Above or Below a Business; and
- Residential Developments in the City Centre.

These development proposals can raise sensitive amenity issues for neighbouring properties and land uses due to the adverse effect of noise, odours and litter. This is particularly the case within the City Centre, where there is a concentration of developments of this nature and a high degree of mixed use, thereby increasing the potential conflict.

### **1.3 Climate Change**

Encouraging development, or change of uses, within city centre locations can assist in helping to achieve the Net Zero Vision for Aberdeen by helping to promote low/zero carbon forms of transport, encourage active travel, support economic activity, reduce demand for new construction outwith the city centre, and promote a vibrant city centre. Refurbishing and adaptively reusing underutilized or vacant buildings/upper floors can revitalize the city centre whilst also reducing the environmental impact of buildings and achieving environmental benefits. Extending the lifespan of cultural heritage buildings is especially important to protect and enhance the urban landscape, history, identity and culture of the city. Renovation and reuse based on circular principles can contribute in important ways to achieve climate neutrality. Assessing appropriate mix and type of uses ensures consideration of amenity, noise, waste and odours whilst protecting residential amenity. The promotion of city centre living will reduce the need for vehicular based travel to work, shop and play in the city centre whilst contributing to a reduction in emissions and revitalization of the city centre.

This approach is aligned with the following UN Sustainable Development Goals: 3 (Good Health & Wellbeing); 8 (Decent Work & Economic Growth); 9 (Industry, Innovation and Infrastructure), 11 (Sustainable Cities & Communities); 12 (Responsible Consumption & Production); and 13 (Climate Action).

This will also help to achieve Goal 1 – Protecting Buildings and Historic Assets, Goal 10 (Prioritising Health & Wellbeing) and 11 (Building Resilience in the Economy) of Aberdeen Adapts.

## **2. Aberdeen Planning Guidance**

### **2.1 Overprovision and / or Clustering**

Hot food shops, liquor licensed premises, amusement centres, amusement arcades and casinos all offer a popular service to local communities and have a significant role to play within retail centres. However, an overabundance of any of these uses can have an adverse impact on the vitality and viability of designated centres and on residential amenity.

Within the City Centre Retail Core it is important that such uses do not detract from the primary retail function. In predominantly residential areas the need to protect residential amenity takes precedence.

Applications will be refused where it is considered that they would create overprovision and / or clustering of a particular use which may impact on:

- the primary retail function of the City Centre Retail Core (identified on the Proposals Map);
- the vitality and viability of designated centres included within the Hierarchy of Centres Aberdeen Planning Guidance;
- the character and amenity of the neighbouring area / commercial uses; and / or
- the nearby residential amenity in the area.

### **2.2 Protection of Residential Amenity**

The protection of the living conditions of residents in close proximity to any proposed hot food shops, liquor licensed premises, amusement centres, amusement arcades and casinos will form a major consideration in assessing applications of this nature. These uses can generate unacceptable levels of noise, vibration, odours, traffic disturbance and litter. It is therefore important that such uses are controlled or restricted to protect residential amenity.

Noise and vibrations generated from cooking and essential extraction equipment in hot food shops and noise generated from music in liquor licensed premises and in amusement centres, amusement arcades or casinos, along with increased levels of customer movement, can cause disturbance to residents.

It is not usually considered acceptable to locate a hot food shop, liquor licensed premise, amusement centre, amusement arcade or casino directly adjacent or beneath residential properties.

Applications within close proximity to residential units will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of noise, vibration, odours, traffic disturbance, litter or hours of operation as a result of the proposed premises.

## **2.3 Waste and Litter**

Hot food shops, liquor licensed premises, amusement centres, amusement arcades and casinos can generate a significant volume of waste and litter. Inadequate storage facilities for refuse can result in harm to visual amenity as well as serious risk to public health. Consideration must be given to providing bins that are of suitable size, appropriately sited and screened. Full details of refuse storage arrangements should be included in all planning applications. For hot food take-away proposals, appropriate litter bins should be provided within the site.

Additionally, full details for grease traps should be included for all planning applications for hot food shops. Applicants should contact Environmental Health before submitting a planning application to discuss waste and litter disposal and grease discharge. Further guidance on waste facilities can be found in Waste Management Requirements for New Developments Aberdeen Planning Guidance.

All applications must identify adequate and appropriate space on-site to store waste products. Where this is not possible, secure storage should be provided.

Where the waste storage provisions are considered inadequate, planning permission will not be granted.

## **2.4 Odours and Cooking Smells**

Odours produced primarily as a result of the cooking process in hot food shops can cause amenity problems. Therefore, effective extraction systems must be in place.

Applicants should contact Environmental Health before submitting any planning application to discuss extraction. Prior to the determination of a planning application, full details of an extraction system shall be submitted to the Planning Authority for approval, and thereafter should be installed to effectively disperse odours from hot food shops. The design of the extraction equipment should ensure that odours, fumes, or noise cause no nuisance or disturbance to nearby properties. Extraction systems must also be designed so that they do not have an unacceptable impact on visual amenity. To be acceptable, the proposed extraction system will have to be:

- Located to minimise its visual impact on the street scene;
- Of a colour, finish, design and material to blend with the building to which it is attached; and
- Installed within the building where practical - particularly where the proposal is within a conservation area or within the setting of a listed building.

Applications for external flues in conservation areas or within the setting of a listed building will be subject to greater scrutiny in terms of potential impact on visual amenity. Colour coated flues that complement the existing building materials should normally be used.

Proposed systems must meet the standards of both Environmental Health and the Planning Service. If unacceptable odours and fumes cannot be prevented by means of an effective extraction system, or if ducting cannot be installed without significant detriment to visual amenity, planning permission will not normally be granted.

## **2.5 Road Safety Issues from Hot Food Shops**

Hot food shops tend to attract a high proportion of car users and short stay customers. Increased noise and traffic disturbance from vehicles can be a nuisance for adjacent land uses.

Often, in the vicinity of hot food shops, there is an increased occurrence of obstructed parking and interruption to the flow of traffic adjacent to these premises due to inconsiderate parking. Insufficient parking facilities can also have an adverse impact on the amenity of the immediate and surrounding area.

The impact of a proposal on the safety of pedestrians and road users will be considered with regard to:

- The existing use of the site;
- Existing traffic conditions;
- The accessibility of the site by public transport, walking and cycling;
- The availability of public parking provision in close proximity to the premises;
- Proximity of proposal to lighting junctions, pelican crossings and bus stops;
- The availability of safe and legal loading areas in close proximity; and
- The implications for the amenity of the surrounding area.

Where a proposal is considered to have an unacceptable impact on road safety, planning permission will not be granted. A Delivery and Service Plan Statement, detailing how delivery and servicing will work on site, will be required for all proposals.

## **2.6 Living / Working Above or Below a Business**

Making use of the space above or below a business will be supported in principle and particularly within the City Centre Retail Core and wider City Centre (as identified on the Proposals Map). There will be a presumption in favour of proposals that bring into use and upgrade vacant, under-used and sub-standard upper and lower (basement) floor properties.

Living and / or working above or below a business can prove testing due to potential conflict with amenity. Whilst most apparent in the city centre, conflict can also occur outwith the city centre. The challenge is to mitigate and reduce the conflict to a minimum through careful siting and design of new residential properties and new licensed or noisy premises.

Whilst it is reasonable to expect an adequate level of residential amenity, urban centres are lively, vibrant places and those who live there should not expect that the amenity would be comparable of that of a purely residential area.

Applications for change of use from residential to non-residential use shall be refused where:

- There would be an unsatisfactory impact on amenity of occupiers and users of surrounding premises, in terms of noise, odours or other disturbance or inconvenience; or
- Where the proposal would involve a stairwell giving access to existing residential property being shared with non-residential users.

## **2.7 Agent of Change Principle**

All proposals should apply the Agent of Change principle. This places the responsibility for mitigating any detrimental impact of noise on neighbours with those carrying out the new development or operations. So, for example, where a new residential proposal is to be developed within the vicinity of an existing music venue, the responsibility for mitigating adverse effects is with the developer of the new residential proposal, as the 'agent of change'. Conversely, if a new music venue is proposed, or an existing venue is to be extended, the responsibility would be with the venue operator.

## **2.8 Residential Developments in the City Centre**

There are challenges accommodating residential development in a thriving city centre, where there is a mix of uses. Despite this, residential development can help to ensure vitality of the city centre (as identified on the Proposals Map), particularly in buildings that otherwise would not have a use above or below ground floor level. Residential development adjacent to the harbour can be specifically challenging.



Developers proposing residential developments in the city centre must be mindful of the location of licensed premises and noisy uses. Appropriate measures, such as more stringent noise attenuation, may need to be undertaken as part of any such development in order to maintain an acceptable level of residential amenity.

Proposals for new residential development or conversion of existing premises to residential use will only be allowed in parts of the city centre where a suitable residential amenity will be secured and the Agent of Change Principle will apply.

Applications for such residential developments or conversions will generally be refused where one or more of the following criteria apply:

- The proposed development is within the same built structure as: a hot food shop, licensed premises, amusement centre, amusement arcade or casino; and/or
- There is a common or shared access with licensed premises or other use detrimental to residential amenity; and/or
- The proposal is located beside a taxi rank.

Prior to the determination of any planning application for residential development in the city centre, and/or adjacent to the harbour, a Noise Impact Assessment must be submitted by a suitable qualified consultant. Such assessment must demonstrate that a satisfactory level of residential amenity can be achieved, taking into account background noise levels, and must outline the necessary mitigation measures to ensure this.

## **2.9 Pre-Application Discussions and Consultations**

Early communication with SEPA, Environmental Health, Waste and Roads is recommended if the operational aspects of a proposed development need to be regulated, such as waste or traffic management, flooding and / or licensing. Proposed developments can also be impacted by an existing process regulated by SEPA. Contact details for SEPA can be found on their website.

### **3. Summary of Policy**

Considerations for a harmony of uses:

- Pre-application discussions are recommended;
- Agent of Change principle;
- Residential amenity must be protected;
- Overprovision and/or clustering of uses;
- Waste, litter, noise, odour and cooking smells;
- Road safety;
- Agreed strategies may be required for waste management/flooding with SEPA.