

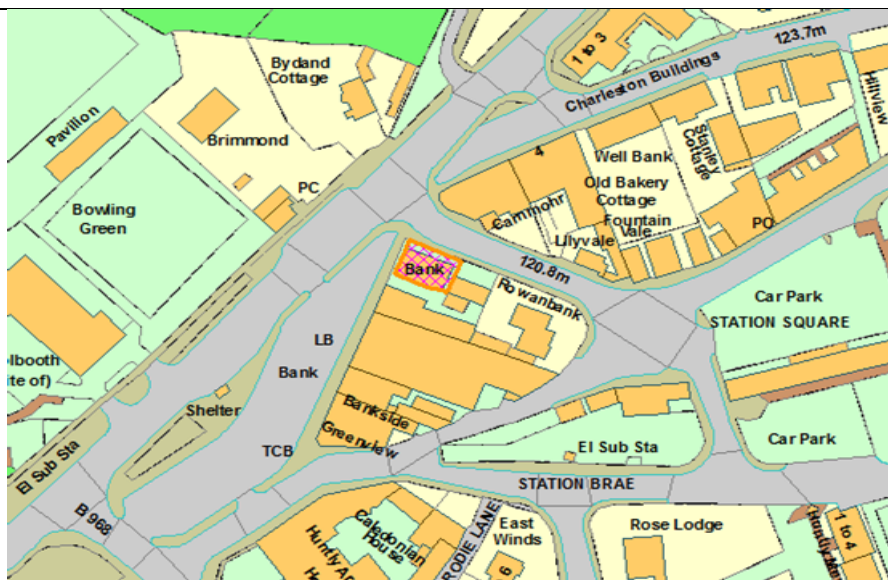
Marr Area Committee Report 14 December 2021

Reference No: APP/2021/0883

Full Planning Permission for Change of Use from Class 2 (Financial, Professional and Other Services) to Sui Generis (Hot Food Takeaway) and Erection of Flue at Former Lloyds TSB Scotland, Ballater Road, Aboyne, Aberdeenshire, AB34 5HT

Applicant: Sava Estates, Former Lloyds TSB Scotland, Ballater Road, Aboyne, Aberdeenshire, AB34 5HT
Agent: Bennett Developments and Consulting, 10 Park Court, Glasgow, G1 1LU

Grid Ref: E:352875 N:798655
Ward No. and Name: W15 - Aboyne, Upper Deeside and Donside
Application Type: Full Planning Permission
Representations: 1
Consultations: 6
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017
Designations: Rural Housing Market Areas
Complies with:
Development Plans: Yes
Main Recommendation: Approve



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Full Planning Permission is sought for the change of use from a vacant bank (Class 2) to a Hot Food Takeaway (Sui generis) and the erection of a flue, at The Former Lloyds TSB Bank, Ballater Road, Aboyne. The application property is a single storey relatively modern detached building with a footprint of approximately 127sqm. The building has a slated multi pitch roof, located on the corner of Ballater Road and Station Brae. It is also within the town centre and conservation area of Aboyne, at the end of a row of two storey traditional buildings.
- 2.2 The buildings along Ballater Road have retail units on the ground floor and residential flats above, that front onto Ballater Road. The building is bounded by a hairdresser, (Myloka Hair Design) and then a residential property called Rowanbank which is 10-15m to the south east. To the southwest, separated by a lane, is an Indian restaurant and takeaway (Nurtaj), with a convenience store and deli, pet shop and tea room further along Ballater Road. There is a parking area to the front adjacent to Ballater Road, and to the northeast on the opposite corner of Station Brae is further shops and a chemist.

History

- 2.3 The previous consents on the site concern the erection of signage for the Former Bank under applications APP/2006/4403 and APP/2012/3586. The most recent application on the site was withdrawn in April 2021, for change of use to a restaurant (class 3) by the same developer under APP/2021/0677.

Proposal

- 2.4 Permission is sought to change the current use of the building from class 2 use to a sui generis hot food takeaway. The only proposed alteration to the exterior of the building is the installation of a flue for the kitchen extraction system. Initially the proposal included the erection of an industrial style extraction system and flue on the southwest/side elevation of the building. Following comments from the Planning service relating to the prominence and potential visual impact, this has been removed, as it would have negatively impacted on the conservation area due to the building's prominent location on Ballater Road. Revised plans have been submitted for a low-level discharge

kitchen extraction system to be installed on the southeast/rear elevation of the building. This will take the form of a galvanised steel terminal grill measuring 750mm x 360mm above the existing louvred screen for the store adjacent the rear door, with a small flue projecting no more than 1metre above the eaves height of the building. In addition to the amendments to the extraction system, the Acoustic and Odour Impact Reports have been revised to take account of the alterations in the proposed system and position.

- 2.5 Internal alterations are required to remove an internal wall to create a small storeroom and hallway, and the customer area will be reduced to install a servery. The former cashier's room will be converted into the kitchen/preparation area, with a freezer/chill area off it, and the existing staff room will remain, with a rear hallway created to the waste/recycling storage area at the rear entrance.
- 2.6 The proposed opening hours are as follow;
- 10.00 – 23.00 Sunday to Thursday and
 - 10.00 – 00.00 on Friday and Saturday
- 2.7 Access to the premises is by the main entrance from Ballater Road. The building is to be serviced as existing in terms of water infrastructure, with a public supply and drainage discharging to the public sewer.
- 2.8 The application is supported by the following reports;-

Planning Statement (Bennett Developments and Consulting) – The report explains the rationale for the change of use to a Hot Food Takeaway service and the author's justification for it.

- It will introduce a retail function
- Will maintain the existing access
- Existing parking on site
- Addition of extraction flue on rear
- Will offer employment opportunities
- Contribute to evening economy
- Refuse will be stored within the premises
- Confirmation of opening hours;-
 - 10.00 – 23.00 Sunday to Thursday &
 - 10.00 – 00:00 Friday and Saturday

Acoustic Report and Noise Control Advice, (McIntyre Acoustics, dated 2 June 2021) - The cooking area extract vent has been identified as the main noise source form this development. The use of low noise fan technology is proposed to reduce the impact.

Addendum - Acoustic Report and Noise Control Advice (McIntyre Acoustics, dated 27th August 2021) - Following slight alterations to kitchen extract vent location, noise impacts have been reassessed. The results

indicated that the cumulative change from the original noise impact calculation is that moving the kitchen vent 5m closer (+2dB) (at 28m to nearest residential receptor window) but including additional ductwork results in an overall quieter noise impact than that presented in the original acoustic report. The amended vent position will still ensure the target noise level of NR25 is met.

Revised Odour Impact Assessment, (ethos environmental, dated September 2021) - The ventilation design and odour abatement plant has been modified and includes emission 1m above eaves, efflux velocity in range 6-7m/s, preliminary filtration and filter abatement technology. The report concludes the odour abatement technology will be sufficient to ensure no loss of amenity arising due to odour for the nearest residential and commercial receptors.

Proposed Ventilation System - Details of kitchen canopy system, filtration, fan and discharge system.

3. Representations

3.1 A total of 1 valid representation (1 objection) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 1 letter in total. All issues raised have been considered. The letters raise the following material issues:

- Impact on conservation area
- Amenity impacts due to traffic noise and opening hours
- Smells & odour impact
- Noise impact
- Extra traffic causing parking issues
- Proposed use will have impact on shared drainage

4. Consultations

Internal

- 4.1 **Environment and Infrastructure Services (Environment – Natural heritage)** has commented that as the building is relatively modern therefore a Bat Survey will not be required.
- 4.2 **Environment and Infrastructure Services (Environment – Built heritage)** has commented that although the building is not traditional, the slated pitched roof is uninterrupted which is welcomed. The initial large bulky flue is unattractive and would not protect the special character of the conservation area. Following revisions, the alternative design offers a more discreet approach and is acceptable.
- 4.3 **Environment and Infrastructure Services (Environmental Health)** stated that following submission of 'Acoustic report and noise control advice' & 'Addendum' (2 June & 27 August 2021) and 'Revised Odour Impact Assessment' (September 2021), The Service is content that the proposals can

be developed without a significant detriment by reason of noise and odour emissions to the amenity of others. In the event of the application being approved the incorporation of a suspensive condition for details of the odour control system will ensure compliance with Policy P4.

4.4 **Environment and Infrastructure Services (Roads Development)** has no objection, as the change of use will generate similar numbers of customers to the pre-existing use.

4.5 **Environment and Infrastructure Services (Waste Management)** has no objection.

4.6 **Mid Deeside Community Council** have made a number of comments as follows;

- The building is prominent in the centre of the village and should be converted to a use that will attract a vibrant business and enhance the vitality and viability of the village.
- Impact on the character of the Aboyne Conservation Area.
- Impact on Ballater Road frontage.
- Prominent external flue posing significant visual impact on the character of the conservation area.
- Potential nuisance from litter and odours.
- Signage and external decoration need to enhance the conservation area and not detract from it.
- Opening hours should be restricted to match other premises, to protect amenity.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and

socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2020

The Strategic Development Plan was approved on 12 August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Aberdeen City & Shire SDP 2020 as approved forms part of the Development Plan.

5.3 Aberdeenshire Local Development Plan 2017

Policy B2 Town centres and office development
Policy P1 Layout, siting and design
Policy P3 Infill and householder developments within settlements (including home and work proposals)
Policy P4 Hazardous and potentially polluting developments and contaminated land
Policy HE2 Protecting historic and cultural areas
Policy RD1 Providing suitable services

5.4 Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5 March 2020 resolved to agree the Proposed Aberdeenshire Local Development Plan (LDP) 2020 as the 'settled view of the Council' on what the final adopted content of the LDP 2021 should be. A period during which representations on the Proposed LDP 2020 could be made took place between 25 May and 31 July 2020.

The Proposed LDP 2020 is a material consideration in the determination of planning applications. The Planning Authority must therefore assess what weight it should have in the context of this particular application. The Proposed LDP has been subject to public scrutiny and has now been submitted for Examination by an independent Reporter. Nevertheless, it is considered that the level of weight that should be applied to the Proposed LDP 2020 remains as not significant at this time. The Aberdeenshire LDP

2017 remains the up-to-date LDP for the area and the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

5.5 Other Material Considerations

Town and Country Planning (General Permitted Development) Scotland) Order 1992 as amended – Part 3 Changes of Use and Part 2A Shops or Catering, Financial or Professional Services Establishments.

6. Discussion

- 6.1 The main issues in the determination of this application are whether the new use to a hot food takeaway is appropriate at this location within the settlement, whether the proposed use would have a detrimental impact on the existing amenity of the neighbouring residents, and whether the proposed alterations reflect the character and appearance of the Aboyne Conservation Area.

Principle of Development

- 6.2 The proposed change of use as described in section 2 above, is in a town centre location, with minimal external changes to the frontage of the building. The building is located in the designated town centre and is within reasonable walking distance of bus stops and has a public car parking area opposite, on Ballater Road. As already mentioned in section 2, the surrounding uses within the town centre are a mix of retail and business use with residential and office uses on upper floors. In this regard, the principle of a change of use from class 2 use to a hot food takeaway use is in keeping with the scale and function of the town as a local hub of services and amenities. The proposal will allow for the continued use of the vacant unit within the settlement. Therefore it is the opinion of the Planning Service that in principle, the proposed change of use is compliant with Policy B2 and Policy P3 of the Aberdeenshire Local Development Plan 2017.

Layout, siting and design

- 6.3 The proposed alterations to the exterior of the building for ventilation purposes are small scale and would have little impact on the visual appearance of the building or amenity. Overall, this revision is considered to be a positive change (from the initial industrial style flue) which can be fully supported in terms of the layout, siting and design of the building. The proposed alterations are all to be contained on the southeast/rear elevation, which will be hidden from public view and not visible from the front of the building. The Planning Service is satisfied that the small addition of an external flue on this secondary elevation is accepted. As such, the character and setting of the Aboyne Conservation Area would be unaffected by this development. On this basis the application can be supported in terms of Policy P1 and Policy HE2 of the Aberdeenshire Local Development Plan 2017.

- 6.4 Mid Deeside Community Council have some reservations on the impact the proposed internal use could have on the frontage of the building, particularly the proposed storage room and windows that face Ballater Road. The internal configuration is functional for the new use, and with no exterior changes to fenestration or means of access, subsequently the proposal is not considered to impact on the character or setting of the building.
- 6.5 The developer has been made aware that any proposed signage requires to be dealt with under a separate application for Advertisement Consent. The signage should be sympathetic to the surroundings, whilst respecting and improving the visual qualities and character of the building and its contribution to the conservation area, but any forthcoming application will be treated on its own merits and is not material to the determination of this application. Likewise, the new proprietor of the premises should note, if any alterations to the external decoration are proposed (such as painting the exterior facade, alterations to windows etc.) this will require a separate planning application, due to its siting within the conservation area. This too would be treated on its own merits should any application come forward, and would have to ensure any changes will enhance and protect the appearance of the conservation area with regards to Policy HE2 of the Aberdeenshire Local Development Plan 2017.

Amenity

- 6.6 The impact of the proposed use on the amenities of the area would be no more significant than that of the other non-domestic uses in the area, such as public houses, takeaways and restaurants all within the town centre. The proposed use is considered compatible with surrounding land uses, as it contributes to the mix uses on offer.

Noise and Odour Impact

- 6.7 As the site is within an area of mixed use a certain degree of noise may be expected in this busy town centre location. Due to the nature of the proposed use, which will involve the preparation of food on site, Environment and Infrastructure Services (Environmental Health) were consulted. The proposal requires the installation of extract and air intake vents in order to control odour mitigation. The supporting reports (outlined in paragraph 2.7) outline the potential noise and odour impacts the proposal may have on adjacent land uses and properties, as a result of the proposed ventilation required for the change of use.
- 6.8 The proposal will involve the use of a low noise kitchen extraction system - three options were presented with 'Vent-Axia Black Sabre Fan' the preferred option. The potential noise impact has been calculated for all three options within the Acoustic Report submitted. The closest residential property is Rowanbank) located 10-15m to the southeast. The closest habitable noise sensitive rooms are the living room and 1st floor bedroom measured at 28m. By moving the outlet for the proposed kitchen extract fan to the rear elevation, the Addendum Report concludes that the ventilation system will result in an

overall quieter noise impact than was originally presented with the industrial flue. The system will be below the target of NR25 curve for ventilation noise at Rowanbank.

- 6.9 Overall, Environment and Infrastructure Services (Environmental Health) is content that the Acoustic and Odour Impact Assessment Reports show, in principle, the proposals can be developed without a significant detriment to the amenity of others subject to conditions. As no firm proposal was submitted for the specific extraction equipment the service recommends a condition is attached regarding the provision of details of the odour control system.
- 6.10 The Planning Service notes that the escape of odour from the premises resulting from normal use (the opening of doors to access the premises, for example) cannot be controlled, and together with increased footfall and increased traffic these amenity losses are an inevitable consequence of the operation of the business. Environment and Infrastructure Services (Environmental Health) response does not consider any loss of amenity resulting from this. However, they do advise that properly applied control measures will limit any noise and odour amenity loss to a reasonable level. Any behavioural issues, such as anti-social behaviour or littering, are not something that can be controlled through planning.
- 6.11 Mid Deeside Community Council and a neighbour have raised concern regarding noise resulting from extra traffic generated by the new use and noise from cars and people using the hot food take-away. In terms of traffic and parking, the use will not generate more traffic than the pre-existing use, however it is noted there may be peak times of activity that differ to the past use. However ample parking exists in the vicinity, and the short-stay nature of the collection of food would see vehicles move on promptly.
- 6.12 It is unlikely the proposal would have a significant detrimental impact on the amenity of the locality by way of noise or odours. Irrespective of planning permissions in place, the applicant / proprietor of the business would also be subject to separate public order legislation regarding noise levels. Considering the relevant Environmental Health / Public Order legislation and the proposed conditions to protect noise nuisance emanating from the premises, it is expected the residential amenity of the locality will be suitably protected.
- 6.13 Therefore, the Planning Service consider that the development can be controlled to protect amenity through relevant conditions relating to noise curve limitations and compliance with the reports, allowing the proposal to accord with Policy P4 of the Aberdeenshire Local Development Plan 2017

Anti-social Behaviour

- 6.14 It is recognised that any form of retail or commercial venture within a settlement is typically associated with noise, irresponsible behaviour and littering. In terms of potential issues associated with anti-social behaviour and/or littering this is primarily a matter for Police Scotland. The Planning

Service is not in a position to pre-empt the behaviour of what may or may not be attributable to patrons of the premises. As stated above the application site is in close proximity to other hot food takeaways, public houses and restaurants. The development if properly managed and operated should pose no risk to the amenity of neighbour properties in this regard.

Opening Hours

- 6.15 The proposed opening hours are specified in paragraph 2.5, and with the applicant wishing to open beyond 23.00 on 2 days a week (Friday & Saturday) it would require a 'Late Hours Catering Licence' under separate legislation through Legal and Governance (Licensing). Considering there are relevant Environmental Health / Public Order legislation along with the proposed conditions to protect noise nuisance emanating from the premises, it is expected the residential amenity of the locality will be suitably protected. Furthermore, the revised Acoustic and Odour Impact Assessment Reports demonstrates that the proposal will not be to the detriment of any residential amenity in compliance with Policy P4 as discussed above.

Technical considerations

- 6.16 Turning to Policy RD1, traffic congestion, lack of parking and road safety were raised in a letter of objection. However, Environment and Infrastructure Services (Roads Development) raise no concerns with this development, as they consider that there is no worsening at the site from the previous use as a bank. The proposed use as a hot food take-away will generate similar numbers of customers and parking is currently available opposite the site. Therefore, the development would not generate a significant impact with regards to traffic, it is considered to be in compliance with Policy RD1 of the Aberdeenshire Local Development Plan 2017.
- 6.17 While it is recognised that the street maybe congested at times, planning applications are not a solution to remedy existing problems, and the Planning Service cannot control the actions of individual road users.
- 6.18 No alterations to the water supply or drainage are proposed, and therefore the site can be considered to be adequately serviced as existing in line with Policy RD1. Nevertheless, a comment has been made from a representation that there is concern the proposed use will impact on shared drainage. Scottish Water (under the provisions of the Sewerage (Scotland) Act 1968) regulates the discharge of all manner of waste, including liquid waste, into their sewerage system.
- 6.19 Furthermore, the reports submitted cater for a preliminary and secondary filtration system that caters for the disposal of fatty substances. Also Building regulations (Building (Scotland) Regulations 2004), set out technical requirements (3.7) in relation to wastewater drainage and requires that;-
“Every wastewater drainage system serving a building must be designed and constructed in such a way as to ensure the removal of wastewater from the building without threatening the health and safety of people in or around the

building, and that facilities for the separation and removal of oil, fat, grease and volatile substances from the system are provided...”

- 6.20 In terms of recycling and waste from the premises, internal storage is proposed within the building which can be accessed to the rear of the building. Commercial waste arrangements will be required to be made with the Council’s Waste Management service.

Conclusion

- 6.21 The proposed use of a hot food takeaway would constitute a further commercial use within a defined town centre and would reuse an existing prominent retail unit, which is currently vacant on Ballater Road. The proposal could contribute to increased footfall within the area creating a positive impact on the vitality and viability of the centre. There is ample access to various transport options and the premises can be accessed on foot. It must be noted that it is not the role of the Planning Service to manage alleged saturation of this type of business, nor competition between them.
- 6.22 In conclusion, the proposed change of use is considered an appropriate infill use in the Aboyne Town Centre and the character and setting of the Aboyne Conservation Area would be unaffected by the proposal. The development is not considered to result in an adverse amenity impact as noise and odour control measures proposed, and appropriate conditions would limit any amenity loss to that which is reasonably tolerable. As such, the proposal complies with all relevant policies contained within the Aberdeenshire Local Development Plan 2017, and is therefore recommended for approval, subject to appropriate conditions.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

- 10.3 The application is not a Departure from the Local Development Plan (and/or) Strategic Development Plan and no departure procedures apply.

- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 **GRANT Full Planning Permission subject to the following conditions:-**

01. The proposed development shall not be brought into use unless details of the odour control system (incorporating treatment and extraction of fume) to be installed have been submitted to and approved in writing by the planning authority. The design of the proposed system shall have regard to:

- 1) The Odour Impact Assessment, dated September 2021 (reference P8439.02); and
- 2) The "Acoustic report and noise control advice", dated 2 June 2021 & Addendum, dated 27th August 2021, all documents comprising part of the planning application.

Reason: To ensure that odour and noise from the operation of the development do not result in undue loss of amenity for surrounding properties.

02. Sound resulting from the operation of the proposals shall not exceed Noise Rating Curve 25, when measured within a habitable room of any noise sensitive premises.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

03. Where a distinguishable tonal component is established, the sound resulting from the operation of the proposals shall not exceed Noise Rating Curve 20, when measured within a habitable room of any noise sensitive premises.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

11.2 Reason for Decision

01. The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposed change of use respects the scale, density, character and amenity of the surrounding area and poses no impact on the character or appearance of the Aboyne Conservation Area. Furthermore, it would not have an unacceptable impact upon adjacent land uses and residential properties by means of noise or odour and there is safe and convenient access for parking, storage and collection of waste for this commercial venture. The proposal is therefore in accordance with Policy P1 Layout siting and design, Policy P3 Infill and householder developments within settlements (including work proposals), Policy P4: Hazardous and potentially polluting developments and contaminated land, Policy B2 Town centres and office development, Policy HE2 Protecting historic and cultural Areas and Policy RD1 Providing suitable resources of the Aberdeenshire Local Development Plan 2017.

For noting:-

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Environment Service can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.

Alan Wood

Director of Environment and Infrastructure Services

Author of Report: Ann Grant

Report Date: 25 November 2021

Mid Deeside Community Council
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Ann Grant
Planner, Kincardine and Mearns/Marr Areas
Planning and Environment Services
Development Management
Aberdeenshire Council
Viewmount
Arduthie Road
Stonehaven AB39 2DQ

31 May 2021

Ref: APP/2021/0883
Case Officer: Ann Grant

By email to ann.grant@aberdeenshire.gov.uk

Dear Ms Grant,

Re:	Mid Deeside CC Consultation Request
Application Number:	APP/2021/0883
Development Proposed:	Change of Use from Class 2 (Financial, Professional and Other Services) to Sui Generis (Hot Food Takeaway) and Erection of Flue
Address:	Former Lloyds TSB Scotland Ballater Road Aboyne Aberdeenshire AB34 5HT

Further to our email correspondence last week, Mid Deeside Community Council (MDCC) has the following comments regarding the above application.

Background

The planning system is intended to “help to create high quality, diverse and sustainable places that promote well-being and attract investment”. As regards what this means for Aboyne, we believe the following to be important considerations:

- **Potential for old TSB building as an anchor for business**

The old TSB building is in a prominent site in the centre of the village. It is situated at the end of the retail parade at the top car park on in Aboyne, in the middle of the long run of shops along the main A93/Ballater Road which runs through the village. It is also at the top of Station Brae which leads down to the Station Square shopping area. The building therefore has the potential to act as an anchor for all the businesses in Aboyne town centre. The use of the building by an attractive and vibrant business could therefore improve and enhance the vitality and viability of the village centre by serving local residents and attracting visitors, thereby increasing

footfall for existing businesses and making the village centre more attractive to new ones. Conversely, conversion of the building to a use which detracts from the character of the conservation area or causes nuisance will affect the attractiveness of the village as a whole, not merely the premises themselves and their immediate vicinity.

- **Status as a conservation area**

The building is in a conservation area. As a minimum, new development should not harm the character or appearance of the area but should, if possible, positively enhance it through good quality design.

Application to these proposals

In principle, the old TSB building seems more suited to conversion to a takeaway use than to the restaurant use previously proposed by application reference APP/2021/0677. Whilst the proposal will not be welcomed by all, there are many in the village who will appreciate an additional takeaway offer which complements existing businesses.

However, the following considerations should be taken into account:

1. Impact on the conservation area

a. Ballater Road frontage

The proposed floorplans show a storage area to be sited behind the existing window fronting the main road. It is not clear how “a splay of light” from this window will be able to contribute to the area as asserted in the planning statement. We are concerned that this will have a negative impact on the external appearance of the building and on the conservation area as a whole.

b. Signage and external decoration

The choice and quality of signage on the building by the ultimate occupier may enhance or detract from the conservation area and the centre of the village, however no information is included with the application concerning these elements of the development. In the absence of being able to comment on such proposals, we ask that consent for signage and external decoration (including choice of paint colours) is withheld unless the proposals positively enhance the conservation area.

c. External flue

The proposal includes a prominent external flue. This will have a significant visual impact on the conservation area and a potentially significant impact on the area as a whole in terms of odour. We ask whether the current proposals for the external flue are essential or whether alternative arrangements could be proposed for ventilation at the property which will have a lesser visual and olfactory impact.

d. Litter

We ask that a condition be imposed requiring that the occupier is responsible for keeping the area immediately surrounding the premises clear of litter.

2. Opening hours

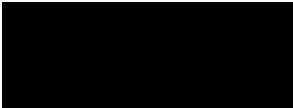
The opening hours of the premises should be restricted to no later than other businesses in Aboyne or of those in neighbouring villages. This is to protect the amenity of residents in the centre of the village, and would help to reduce the risk of

attracting visitors from outwith the village late at night which could otherwise exacerbate existing problems regarding late-night nuisance.

Therefore, we believe that careful consideration needs to be given to the external design of the building (including the impact on external design of the internal layout), the opening hours of the business, and the potential for nuisance by way of smell and litter in order to avoid a detrimental impact on the conservation area and the centre of the village as a whole. However, if these concerns can be managed, for example by satisfactory conditions on the planning permission or other requisite consents, we appreciate that the use of the property by a takeaway business has the potential to provide a service that many will appreciate, and which may reduce journeys currently made to other areas for takeaway food.

Please let us know if you have any questions or would like further clarification.

Yours sincerely,



Fiona Sawyer
Planning Lead
For and on behalf of **Mid Deeside Community Council**

To: [REDACTED]
Subject: APP/2021/0883 - Change of Use from Class 2 (Financial, Professional and Other Services) to Sui Generis (Hot Food Takeaway) and Erection of Flue
Date: 10 May 2021 21:08:33
Attachments: [OBJECTION to Planning Application - APP-2021-0883.docx](#)

Please find attached a Letter of Objection of behalf of Mr David and Mrs Cathy Graham in respect of the above application.

Commentor type : Neighbour

We confirm that a hard copy of the letter will follow by post.

We would appreciate it if you could acknowledge receipt of this email,

Kind Regards,
David

Rowanbank,
Station Square,
Aboyne,
AB34 5HX

10 May 2021

OBJECTION to Planning Application: APP/2020/0883 | Change of Use from Class 2 (Financial, Professional and Other Services) to Sui Generis (Hot Food Takeaway) and Erection of Flue

Dear Officers of the Aberdeenshire Council,

We are writing this letter to ask the council to OPPOSE the above planning application.

Please find below our comments to illustrate why we OBJECT to the planning application:

Environmental Concerns

Noise

We are very concerned about the increase in external noise associated with the public/business use of the proposed development. The existing restaurant/takeaway adjacent to the proposed development generates a level of noise which will be increased by the proposed development. Move-over, the development has proposed opening hours that are significantly more than the existing restaurant/takeaway and the opening hours of the bank that previously occupied the premises, thus impacting our property for the majority of the day, evening and night-time, 7 days a week.

It will include excess of evening/night time traffic, slamming of car doors, loud conversations from customers on foot, delivery traffic, noisy gatherings of customers, litter and anti-social behaviour in the vicinity of the development and our property / driveway.

The report has stated that the NR25 curve is "normally sufficient to indicate that disturbance will not be caused". We question whether this is appropriate? We are living in a very quiet country-side area, especially during weekends, evenings and more importantly night time and the choice of NR25 doesn't seem to be appropriate.

More fundamentally, the report provided by the applicant does not take into account the extra-noise generated by such a developments activity. After 6.00pm, once the existing business are closed, this area is a quiet residential area. Late service and take away for the proposed opening hours will generate an increased level of evening and night time noise, 7 days a week, which is currently not present in this area.

We are concerned that the developments' windows will be open in the summer season adding to the noise and odours levels.

Odours

We are concerned about the inevitable increase in cooking smells that the proposed development will generate, a minimum of 14 hours a day, 7 days a week, and the impact of the air quality around our property and surrounding area. This is in addition to the current air quality impact generated by the existing Nurtaj Restaurant.

We would like the council to instruct an Odour report to be carried out and taken into consideration when assessing this application.

General

Bearing in mind the nature of the proposed development, the opening hours, its proximity to the access to our property and the layout plans showing no toilet provision for customers, we are concerned that the development will encourage anti-social behaviour such as, but not limited to, littering of food products and their packaging and urination in the private access to our property.

Extraction System and Flue

The proposed flue is described as “state of the art”. This does not accurately describe the flue so we feel a more detailed description should be provided to ascertain the design and operation of the equipment.

The proposed flue is in direct line of sight from our property and does not appear to be in keeping with the rules and regulations of the conservation area in which the property is located.

The applicant has provided “General Guidelines” for maintaining and cleaning the extraction system and flue. We would like to know who will be responsible for monitoring and maintaining this to prevent cooking odours and associated noise levels from increasing over time. The applicant is named as “Sava Estates” but the application name contains “Sui Generis”. Therefore it’s not clear who will be responsible, should this be approved.

There is a high risk of permanent noise from extraction and intake fans if they operate below standard.

There has been no consideration given to the effect of wind on neighbouring properties.

Sewage

The current sewage system is narrow, as old as the surrounding properties (circa 170 years), which crosses different properties and is shared.

The proposed development is in a building that was originally built for the purposes of a bank and its staff. We are extremely concerned about the potential for excess kitchen fat going into a very old system not designed for the proposed development.

We are concerned that the proposer has not submitted a proper assessment of this a part of the application.

In the previous applications for the site, Scottish Water have stated that they are unable to assess the impact of the development on Sewerage and Water demands. We feel this is an essential aspect of the application.

Parking

Access to our property is between the proposed development and the existing Nurtaj Indian Restaurant. We continuously experience cars obstructing our access, despite road markings to indicate that the access has to be kept clear.

Our concern is that this situation will only get worse as a result of the proposed development, in particular the proposed opening hours which are greatly increased compared to the previous opening hours of the bank.

General Suitability

Hot Food takeaways generate high levels of smells, noise, traffic, loitering, longer opening hours, extra traffic and pedestrian activity and litter far in excess of all other retail activity.

Aboyne village currently has a high level of businesses that provide café, restaurant and takeaway services. Therefore we feel that the premises could be better utilised by an alternative type of business or community organisation, thus providing a greater variety of facilities and amenities for the residents of, and visitors to, the village.

To conclude, we OPPOSE the proposed development plan for the reasons stated above,

Yours sincerely,

David and Cathy Graham