

Supplementary Guidance: Harmony of Uses

1. Status of Supplementary Guidance

This Supplementary Guidance (SG) forms part of the Development Plan and is a material consideration in the determination of planning applications.

The SG expands upon the following Aberdeen Local Development Plan policies:

- Policy NC1 – City Centre Development – Regional Centre
- Policy NC2 – City Centre Retail Core and Union Street
- Policy NC3 – West End Shops and Cafes
- Policy NC6 – Town, District, Neighbourhood and Commercial Centres

2. Introduction to Topic

Having a mix of uses can create a vibrant setting, however ensuring the mix does not impact negatively on existing uses is important. The guidance below outlines considerations that need to be addressed when developing:

- Hot Food Shops;
- Liquor Licensed Premises (with exceptions to 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, smell 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.

3. Over-Concentration

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 retail centres and on residential amenity.

Within retail centres it is important that such uses do not detract from the primary retail function, or result in a loss of shops to the detriment of local residents.

In areas where the residential character of an area predominates, the need to protect residential amenity takes precedence.

Applications will be refused where it is considered that there may be a significant over-concentration which may impact on:

- the primary retail function of any of the retail centres included within the Hierarchy of Centres
- the nearby residential amenity in the area.

4. 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, odour, 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, odour, traffic disturbance, litter or hours of operation as a result of the proposed premises.

5. Waste and Litter

Hot food shops, liquor licensed premises, amusement centres, amusement arcades and casinos can generate a significant volume of waste and litter. Consideration must be given to providing bins that are of suitable size, appropriately sited and screened.

Inadequate storage facilities for refuse can result in harm to visual amenity as well as serious risk to public health. Full details of refuse storage arrangements should be included in all planning applications for hot food shops, liquor licensed premises, amusement centres, amusement arcades and casinos.

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 [Supplementary Guidance: Waste Management Requirements for New Developments](#)

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

For hot food take-away proposals, appropriate litter bins should be provided within the site.

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

6. 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.

The design of the extraction equipment should ensure that odours, fumes, or noise cause no nuisance or disturbance to nearby properties.

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.

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. Extraction systems must 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;
- Installed within the building where practical and particularly where the proposal is within a conservation area or within the setting of a listed building.

Proposed systems must meet the standards of both Environmental Health and the Planning Service. If unacceptable smells 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.

7. 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.

8. Street Cafes

The Council supports and encourages the provision of street cafes in:

- fully pedestrianised (where vehicles have no right of entry) streets; and
- areas where pavements are wide enough to accommodate the proposed street café.

Applicants should contact Licensing and Roads before submitting a planning application to discuss their proposal for a street cafe.

It is important that street cafes are properly designed, administered and managed to ensure that they meet the high standards expected in Aberdeen. They should not obstruct public space or create a hazard for pedestrians.

Planning applications for street cafes where adequate space is not provided on the public footpath to allow pedestrians a straight, obvious and unobstructed route past will be refused.

Such a route should not pass through the area used by the tables and chairs. Applications for street cafes which occupy more than half the total width of the footway will be refused.

Seating space contained in the licensed area must be included in total occupancy figures for the premises. All tables and chairs must be removed from the highway after the premises closing hours.

The use of external public address systems or amplified music is not permitted within the licensed area at unreasonable hours.

9. Living / Working Above or Below a Business

Making use of the space above or below a business will be supported in principle. However, it is acknowledged that conflict may occur and this has to be mitigated. This conflict is more apparent in the city centre; however outwith the city centre the conflict can also occur. Whilst it is reasonable to expect an adequate level of residential amenity, urban centres are lively and vibrant places and those who live there should not expect that the amenity would be comparable of that of a purely residential area.

Living and / or working above or below a business can prove testing due to potential conflict with amenity. The challenge is to reduce the conflict to a minimum through careful siting and design of new residential properties and new licensed or

noisy premises. 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. However, 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.

10. Residential Developments in the City Centre

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

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.

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;
- There is a common or shared access with licensed premises or other use detrimental to residential amenity.
- 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.

11. Consultation with Scottish Environment Protection Agency

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