

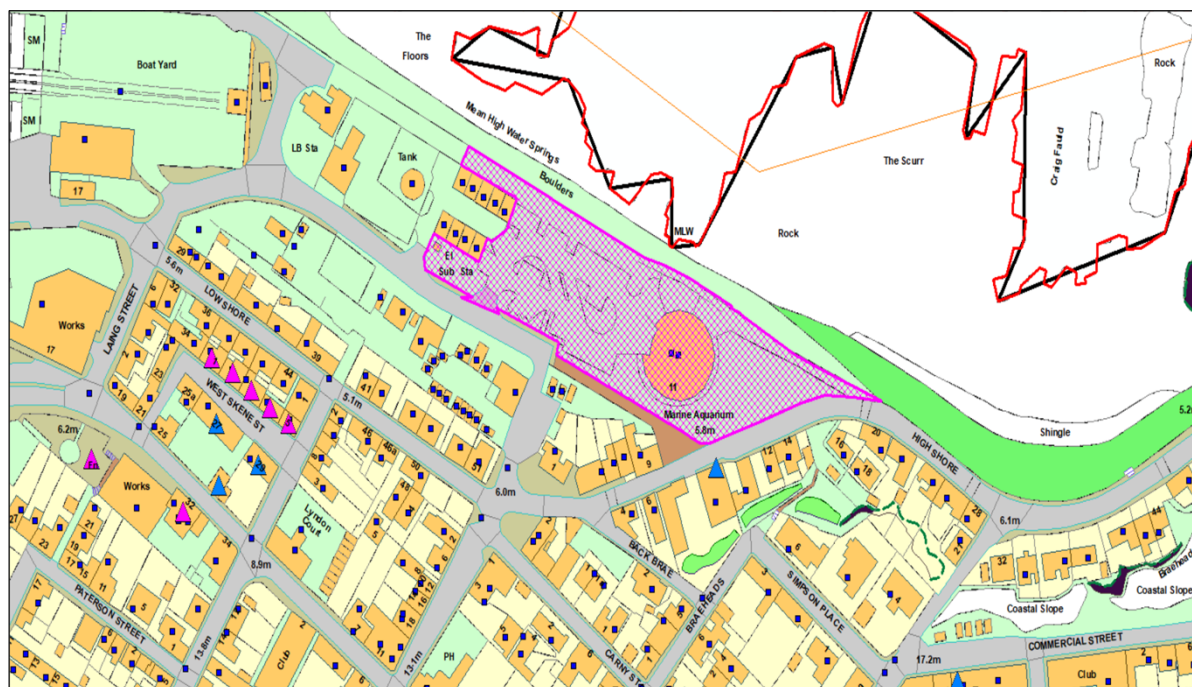


Banff & Buchan Area Committee Report - 16 April 2023

Reference No: [APP/223/2312](#)

Full Planning Permission for Alterations and Extension to Aquarium to include Cafe/Restaurant (Class 3), Associated Landscaping and Alterations to Car Park at Macduff Marine Aquarium, 11 High Shore, Macduff, AB44 1SL

Applicant:	Live Life Aberdeenshire - Aberdeenshire Council
Agent:	Aberdeenshire Council - Property & Facilities Management
Grid Ref:	E:370759 N:864806
Ward No. and Name:	W02 - Troup
Application Type:	Full Planning Permission
Representations:	7
Consultations:	7
Relevant Proposals Map Designations:	Protected Area, Regeneration priority Area
Complies with Development Plans:	Yes
Main Recommendation:	Grant



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.3.1i (2) of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for approval, and has been submitted by the Local Authority, and there have been four objections.
- 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 This application seeks Full Planning Permission for the Alterations and Extension to Aquarium to include Cafe/Restaurant (Class 3), Associated Landscaping and Alterations to Car Park at Macduff Marine Aquarium ('the Aquarium'), 11 High Shore, Macduff. A location plan is attached as **Appendix 1**.
- 2.2 The Aquarium is an established visitor attraction within the north east and has been present on site since 1997. The site is located approximately 100m north of the town centre of Macduff, within the Remote Rural Area, Regeneration Priority Area and the Cliffs and Rocky Coast Landscape Character Area. The site is also located within the Medium Coastal Flood risk Zone as shown in the SEPA Flood Maps. The site lies in the area designated as P7 in the Aberdeenshire Local Development Plan 2023 which is designated to protect the harbour for port related activities.
- 2.3 The Aquarium borders the coastline to the north and the Whitehills to Melrose Coast Site of Special Scientific Interest (SSSI), designated as such for its geological interest, lies a short distance to the north side. The public road and associated properties along High Shore border the site to the south west. There is an existing garage court over the west boundary with industrial yard and buildings associated with the port sited further to the west. The existing building lies on the eastern portion of the site with the associated car parking area to the west. The access to the site is taken from the public road to the south (Bankhead) at the west side. The existing building comprises a circular design with conical roof with the main glazed entrance facing west towards the car park. The roof has a rock effect feature (which is also circular) which sits in the roof space and lines the proposed entrance. There is an existing external plant area attached to the building on the north side and there is some play equipment and benches sited externally within the open space area to the south of the building. The existing site plan and elevations are attached at **Appendices 2 and 4** respectively, with existing floor and roof plans in **Appendix 5**.

2.4 The proposed development has a number of elements.

These are:

Erection of 2 storey extension off the west side of the building (dimensions 31.4m long x 12.1m wide x 7.75m high) to accommodate new entrance foyer, enlarged reception and retail area, learning space, toilets, and staff accommodation at ground level, with restaurant and associated kitchen and plant room at first floor level.

A new single storey extension (dimensions 3.5m wide x 3.6m high) off the east side of the building which follows the external building line of the existing building to provide lobster hatchery, public activity area, quarantine tanks, laboratory, workshop and storage. The proposed extended elements of the building comprise 698m² of floorspace in total.

A new external landscaped activity area to the east side of the building including areas for children's play and picnic benches.

Formation of pathways to connect into existing coastal path networks and to the wider town.

A new surfaced pedestrian route along the sea wall along with new outlook point off the car park.

Biodiversity enhancement measures to include new plantings appropriate to the setting and coastal location.

Public realm enhancement works including new paving and surfacing within the car park and external areas, in materials that reflect the coastal location.

New soft landscaping throughout the site and formation of mounded areas on the land to the east side of the building.

The principal entrance to the building is to be moved southwards so that it relates better to the town and provides a more welcoming approach for visitors on foot.

The two-storey element of the building is flat roofed and would also accommodate low level plant and PV panels on the roof.

The proposed site plan, elevations, and floor plans of the proposed building are attached at **Appendices 3, 6, and 7** (respectively).

2.5 In terms of materials, the external finish on the building along the new formed west elevation is a mix of metal rainscreen cladding, metal mesh perforated cladding, and full length glazing (referred in the plans as curtain walling). The plant within the roof space will also be contained within a mesh finished parapet which is set back from the main elevations and which matches the lower wall sections. Along the south, east, and north elevations metal

rainscreen cladding is proposed on the upper wall sections with smooth white render to the lower walls at ground level. The existing elements of the building that are to remain will be subject to upgrade and repair including the roof tiles, and the wet dash walls. The stone effect cladding (on the circular feature in the roof space) is to be removed and replaced with flashings to match the new extension. Louvres to provide ventilation are proposed at various locations. Doors and windows, gutters and downpipes are to be dark grey aluminium.

2.6 In terms of the external changes, the external grassed area to the east side of the building will become useable external space with coastal-themed play area and seating. The levels in this area and within the landscaped areas in the car park will be enhanced with mounding and planted up in a mix of dune and marram grasses and flowering coastal species, to reflect the dunes along the coast. The existing art installations within the car park are to be removed, and new signage and information boards will be upgraded, and new bike racks, benches, and seating provided alongside the paths and landscaped areas. The car park is to be reconfigured to maximise the amount of spaces within the confines of the site (52 spaces to be provided as opposed to the existing number of 44) and the car park is also to accommodate a waste storage area in the far northwest corner, motorcycle parking, EV charging points, and new lighting columns throughout. The application is accompanied by a landscape scheme which details both the hard and soft landscaping within the external spaces, and a maintenance plan for these. However, some changes to the species mix of the planting has been requested and at the time of writing, this information is still awaited. The development connects to the existing public water supply, public sewer, and surface water drainage systems.

2.7 In terms of relevant site history, the following applies:

ENQ/2023/1050 Alterations and Extension to Aquarium to Include Café

ENQ/2022/0968 Alteration and Extension to Aquarium to Accommodate Cafe, Possible Public Realm Enhancements to Car Park Area and new Car Park

95/0079 Erection of Aquarium approved on 12/11/95

2.8 The following information has been provided in support of the application: -

Design and Access Statement which incorporates 3D Visualisations, by Aberdeenshire Council dated December 2023.

This provides detail of the functionality of the design, 3D visualisations, and the materials to be used.

Design and Access Statement and associated maintenance plan by Rankin Fraser Landscape Architect dated 8th Dec 2023 – This relates to the soft landscaping works within the external areas surrounding the revised aquarium and provides justification for the choice of surfacing materials.

Flood Risk Statement by Fairhurst (Reference: 149859/GL-W-TN-01) dated 14 November 2023. The report concludes that the site is not considered to be at risk of tidal flooding based on the still water levels in a 1 in 200 year + climate change event. Flood risk from other sources is considered to be low. The proposed development is for a small-scale extension to an existing building with no increase in land use vulnerability and the development will not significantly increase flood risk.

Transport Statement by Fairhurst (Reference 149859 TS01) dated December 2023. The report concludes that the Aquarium can be easily accessed by all modes of travel including walking, cycling, and public transport. No traffic or transport issues have been identified. It has been established that the parking proposals are appropriate to support the proposed Aquarium extension and balance the expected demands during both peak and off-peak times, and the site's location and characteristics meet with both local and national policies on sustainable development.

Overview of Catering requirements and Town Centre Impact by Aberdeenshire Council dated 29 January 2024. This details the justification for the proposal and the various consultation and engagement with relevant groups that the project has been subject of prior to the formal planning application submission. The document also contains a report by Fare Consulting (dated August 2023) on the proposed Food and Beverage Strategy in support of the proposed café element.

- 2.9 Members will be aware that development is to be funded by a share of the £20m bid that was awarded to Aberdeenshire Council from the UK Government's Levelling Up Fund. The supporting information states that the Aquarium aims to promote its exhibits and educational programmes, awareness, enjoyment, and stewardship of the Moray Firth marine environment, via its exhibits and educational programmes. The plans comprise modernisation and extension to the existing aquarium at Macduff which will enhance the visitor experience with improved exhibits that capitalise on new technologies and provide immersive experiences. The Levelling Up program required 'Investment proposals that focus on supporting high priority and high impact projects that will make a visible positive difference to local areas.' The submission factored in the social, physical health, and outdoor recreation, and wider economic benefit of the improvements in the bid submission. Further details in respect of the anticipated benefits of the development are considered within the discussion section of this report.

3. Representations

- 3.1 A total of 7 valid representations (3 support/4 objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

Objections

- *The café will take away all local trade in hospitality.*

- *Local businesses cannot compete (especially given the scale and views from the proposed café).*
- *Consideration of impact to local business and wider community has not been carried out and no follow up report has been made available to the community.*
- *Design is not in keeping with surroundings.*
- *2 storey design will stand out like a sore thumb.*
- *The open view area is not appropriate to north east climate.*
- *Conflict with existing residents parking.*
- *Play area will spoil amenity and attract older children which may result in anti-social behaviour.*

Support

- *The café will be a welcome addition.*
- *The expansion of the educational role is of significant benefit, and it celebrates marine life and the significance of Macduff and its contribution to NE coastal natural heritage.*
- *The Friends of Macduff Marine Aquarium (FOMMMA) has commented that:*
- *The aquarium represents a valuable educational and economic asset for Macduff.*
- *The venue attracts significant numbers of visitors throughout the year and is a significant part of the regional tourism portfolio.*
- *Improved education facilities will allow for more extensive learning programmes and enhanced display, retailing visitor services, animal welfare facilities and energy saving measures thereby ensuring a more sustainable future for the facility.*
- *Good use has been made of the restricted site availability and all critical elements have been integrated into the design and the appearance of the development will provide for an exciting and attractive addition to the area.*

Non-material issues

Impact on house values.

The plans for the aquarium 25 years ago did not include catering facilities.

Views from neighbouring houses.

4. Consultations

Internal

- 4.1 **Business Services (Economic Development)** has commented that the aquarium is one of the most visited tourist attractions in Aberdeenshire with 51,694 visitors between April 2022 and March 2023 and it compliments other existing tourist attractions along the North East 250 route. The development will create additional jobs both in the construction phase and once the Aquarium reopens. It will make the north of Aberdeenshire and the wider region more attractive and encourage increased numbers of new and repeat visitors. This should be to the benefit of other businesses in the area.
- 4.2 **Infrastructure Services (Contaminated Land)** has no objections.
- 4.3 **Infrastructure Services (Environment Team – Natural Heritage)** advise that the submitted planting scheme largely comprises ornamental non-native species, with only sea thrift being found locally and as such it would be beneficial if the planting can be amended to incorporate native coastal species which will not only enhance biodiversity but also showcase the local coastal floral fauna. Additionally, it advises that woody shrubs should replace the proposed Scots pine. It advises that a revised landscaping scheme and associated maintenance detail can be secured by appropriate condition(s). Having received confirmation from the applicants that as the location of the viewing platform does not encroach nor directly affect the Whitehills to Melrose Site of Special Scientific Interest (SSSI) that Nature Scot do not require to be consulted.
- 4.4 **Infrastructure Services (Environmental Health)** has no objection but advises that the internal floor layout needs amendment to ensure compliance with food hygiene requirements. This will be applied as an informative.
- 4.5 **Infrastructure Services (Flood Prevention Unit)** confirmed it has no objection following review of the Flood Risk Statement (18739-FAI-00-XX-RP-C-90-01 dated 14 Nov 2023)
- 4.6 **Infrastructure Services (Roads Development)** note the contents of the updated Transport Statement (December 2023) and the submitted plans. Roads Development has no objections subject to a condition requiring that prior to the extension being open to members of the public that the car park is surfaced, laid out, and available for use.

External

- 4.7 **Scottish Environmental Protection Agency (SEPA)** has no objections on grounds of flood risk.

5. Relevant Planning Policies

5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments, and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 14 Design Quality and Place

Policy 18 Infrastructure First

Policy 21 Play, recreation and sport

Policy 22 Flood risk and water management

Policy 25 Community Wealth Building

Policy 27 City, town, local and commercial centres

Policy 30 Tourism

5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

Policy B1 Town Centre Development

Policy B3 Tourist facilities

Policy P3 Infill and householder developments within settlements (including home and work proposals)

Policy P1 Layout, siting and design

Policy C4 Flooding

Policy RD1 Providing suitable services

5.3 Other Material Considerations

Aberdeenshire Local Development Plan 2023 Appendix 3 Regeneration Priority Areas

In Macduff the Local Partnership (formed with business and community representatives) has resolved to capitalise on the area's genuine maritime

past, present, and future. Macduff is promoted as an area with a strong civic pride, and a distinctive townscape. One of the main tourism product developments noted in the appendix is facilitating investment in the Macduff Marine Aquarium.

Aberdeenshire Local Development Plan 2023 Planning Advice PA 2023-18 Tourist Facilities (Sept 2023)

Understanding Integrated Impact Assessments (IIAs) Town Centre First Principle Guidance - The Town Centre First Principle looks at how the activity will affect any of the identified town centres across a range of factors including town centre assets, footfall, aesthetics, impacts on road layouts/parking, impacts on tourism, public safety etc.

Destination Aberdeen and Aberdeenshire – A Framework for Growth 2022-2030 – lists the ambition for the region to become Scotland’s leading visitor destination by 2030. This will be achieved by

Setting the pace for sustainable growth with visitors staying longer and spending more.

Pioneering tourism business innovation.

Being at the vanguard of delivering unique, high-quality, visitor experiences.

Going above and beyond customer expectations.

Chris Foy (Chief Executive Officer – Visit Aberdeenshire) commented “At the heart of the Destination Strategy is an aspiration to attract more visitors who will stay longer in Aberdeenshire and spend more. There is also a desire for regional spread, from Aberdeen to Alford, Banff to Braemar, and from St Cyrus to Sandend through effective promotion, and through development of sustainable new visitor experiences. The development of Macduff Aquarium will be a significant new contribution to the North East tourism offer. Already a well-loved and popular attraction, the extension, and associated improvements to the visitor experience, will align with the region’s ambition, with a reason for more visitors to travel to Macduff, and stay longer in the area. Visitors who stay longer in one place are not only likely to be spending more money, but also likely to spend less time on the road. Visitor expectations are continually evolving, and attractions need to keep pace with demand, whether that is to meet requirements of an aging demographic, or to inspire younger visitors with imaginative interpretation. Macduff’s redevelopment has the potential to meet this demand.”

Outlook 2030 –Scotland’s Tourism Strategy

The Regional Director for Visit Scotland commented that “the proposed extension is a welcome development, being closely aligned with the priority set out in Outlook 2030 of providing visitors with outstanding and memorable experiences that are of the highest quality and authentic to the place – it will

not only provide the opportunity to transform the visitor experience within the aquarium itself, but the improved landscaping and links to coastal paths will also enhance the wider destination offering, helping to encourage extended, year-round visits and spend in Macduff and the surrounding area.”

6. Discussion

- 6.1 The main issues to be addressed in the determination of the application includes the principle of development, the impact of the development on the town centre, along with consideration of the impact on residential amenity and any relevant technical matters.

Principle of development

- 6.2 Given that the main part of the proposal comprises the extension of an existing tourist attraction, the development requires to be assessed against the tourism policies. Additionally, whilst the site lies in the settlement boundary of Macduff in a relatively central location, the site lies outwith the town centre and therefore consideration of the impact of the development on the town centre requires to be assessed.
- 6.3 National Planning Framework 4 (NPF4) promotes the importance of tourism and how it plays an important role for the economy. NPF Policy 30 Tourism states that proposals for new or extended tourist facilities in locations identified in the LDP will be supported. Tourism development will consider:
- i. The contribution made to the local economy.
 - ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors.
 - iii. Impacts on communities, for example by hindering the provision of homes and services for local people.
 - iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation
 - v. Accessibility for disabled people.
 - vi. Measures taken to minimise carbon emissions; vii. Opportunities to provide access to the natural environment.
- 6.4 In the ALDP, Policy B3 also supports new tourist facilities provided they are well related to settlements and the existing natural environment and deliver net and social economic benefits.
- 6.5 The development comprises the extension and upgrade to the tourist attraction in terms of both the offering and the overall external appearance of the building and surrounding site. As detailed under section 2 of this report, the main elements of the two-storey extension will comprise new entrance/reception area with shop and additional exhibition and display space at ground level, and a restaurant at first floor level which has views over the North Sea. The external space is to be completely rejuvenated with new seating, environmental improvements, and paths that link to the wider coastal trails. The Regional Director for Visit Scotland advises that “the development

will build on the aquarium's unique attributes and strong connections with the areas rich marine and maritime heritage to create a world class visitor experience for Macduff, Aberdeenshire and the wider region – it will enhance the wider destination offering, helping to encourage extended year round visits and spend in Macduff and the surrounding area.” The Chief Executive of Visit Aberdeenshire accentuates this by stating that the aquarium is already a well-loved and popular attraction – the improvements to the visitor experience will align with the region’s ambition, with a reason for more visitors to travel to Macduff and stay longer in the area. Visitors who stay longer in one place are not only likely to be spending more money, but also likely to spend less time on the road. Visitor expectations are continually evolving, and attractions need to keep pace with demand, whether that is to meet requirements of an ageing demographic, or to inspire younger visitors with imaginative interpretation. Macduff’s redevelopment has the potential to meet this demand.”

- 6.6 In terms of compatibility with the surrounding area, the aquarium is located at an ideal location, on the coast which reinforces its link with the sea. The site area is of a sufficient size to accommodate the extension without the building appearing over dominant in the wider townscape. The site lies on protected land (ALDP 2023) for harbour and port related activities. The nature of the surrounding area is mixed with residential development to the southeast, harbour related buildings to the west and a mix of commercial and residential to the southwest. In terms of links to the wider town, the site is 100m from the boundary of the defined town centre and the movement of the entrance further to the south will assist with integrating the development into the town encouraging visitors on foot. The supporting statement details how the site links into existing coastal and heritage trails in and around Banff and Macduff and given the improvements to the paths in the vicinity as a result of the development, this will encourage more visitors to the aquarium to explore the wider area. There are new interpretive signage boards proposed and the formation of the new viewpoint off the car park is also a welcome attraction enhancing the visitor experience. The building design is accessible for disabled with provision of an internal lift to provide access to the first floor. Impact on communities and the impacts of traffic generation are discussed in the Amenity and Technical matters sections below. In general, the overall benefits of the extension and enhancement of the tourist facility aligns with the aims and criteria defined under NPF 4 Policy 30 and ALDP Policy B3.

Impact on Town Centre

- 6.7 Policy 27 of NPF 4 states that Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported. For proposals outwith the town centres, a town centre first assessment is required which demonstrates that all centre and edge of centre options have been sequentially assessed; the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre and that the impacts on existing centres have been assessed and there will be no significant adverse effect on the vitality and viability of the town centre. ALDP

Policy B1 states that “We will allow retail and other frequently visited uses only in defined town centres unless a sequential assessment shows that another site is clearly more appropriate.”

- 6.8 As previously noted, the site lies outwith the town centre. Notwithstanding the fact that the development is for extension of an existing tourist use, and it therefore necessitates the current location, the developers were asked to provide justification for the ancillary café element and to assess the resultant impact that this may have on existing businesses within the town. The issue of displacement was also raised within the letters of representation that local café businesses would not be able to compete with the new facility.
- 6.9 In response to this, the developers advised that an options appraisal for the facility was carried out some years ago, which suggested that displacement from other local facilities would be minimal due to the anticipated increase in visitor numbers. As part of the application for the Levelling Up fund, there was a requirement for a Town Centre First Impact Assessment to be carried out and that assessment identified mostly positive benefits associated with the town centre due to an improved facility and increased footfall. There was considerable public engagement and the general feedback on the provision of the catering offering was positive. Within the proposed café, it is intended to appoint an operator which therefore provides opportunity for a local business or consortia of local businesses to take over the running of the café/restaurant. This also aligns with the aims of NPF 4 Policy 25 Community Wealth Building states that development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. Examples quoted in the policy include increasing spending within communities; ensuring the use of local supply chains and services and local job creation which the proposed development will fulfil.
- 6.10 As per the comments from the Council's Economic Development Service, it is generally accepted that competition increases the quality of service and products on offer. In addition to the above, it must be highlighted that the aquarium is only a short walking distance from the town centre (100M) and with the enhanced pedestrian linkages, it is anticipated that the new improved aquarium will encourage more footfall within the town which in turn will benefit local businesses and improve the vitality of the town centre overall. Taking account of the above factors, the ancillary café element is more likely to provide benefits for businesses within the town. The development is considered to comply with the requirements of NPF 4 Policy 27 and ALDP Policy B1.

Impact on residential amenity

- 6.11 Policy P3 of ALDP23 advises that we will support development, as long as the development respects the scale, density, and character of its surroundings, and will not erode the character or amenity of the surrounding area. Concerns were raised in the letters of representation on the resultant impact of the development in that the design is not in keeping with surroundings, the

two-storey element being obtrusive.

- 6.12 In assessing the design, NPF 4 Policy 14 and ALDP Policy P1 Layout Siting and Design requires that developments demonstrate the six qualities of successful places. These vary between the 2 plans but follow the same general themes which are providing local identity, safe and pleasant, welcoming through visual appeal, adaptable to future needs, resource efficient, and well connected.
- 6.13 The two-storey element will make the development stand out but without being over-dominant within the site or the surrounding area and also contains the development within a smaller footprint thereby ensuring that there is adequate external space to facilitate the building. Given the location of the two-storey section being to the west side of the building which is away from the residential properties to the south, there is no implications for overbearing effects nor loss of views of the coastal area. Concerns were raised over the proposed external deck at first floor level being inappropriate for the north east climate. This is a very small area (13.7m²) at the north side of the building that overlooks the North Sea and assists in giving the building its unique identity and is a welcome feature.
- 6.14 The use of the combination of the metal rainscreen cladding, the metal mesh perforated cladding and smooth render on the exterior, will give a contemporary and unique identity to the building whilst still maintaining the circular form at the east side with the single storey extension neatly following the line of the existing building. The existing building will be completely overhauled as a result of the works and the dated stone feature within the central roof space will be finished off with flashing to give a more sleek and contemporary appearance. The plans indicate the external finish of the metal and mesh to be copper coloured which is a welcome change as it is a warm colour and will give the building status and identity. However, in order to ensure that the external materials are appropriate to the site and surrounding area, it is appropriate in this case to ensure that a condition is applied to request that samples of the external materials are provided for consideration by the planning authority.

Play area and environmental enhancement

- 6.15 Policy 21 Play, recreation and sport of NPF 4 states that new, replacement, or improved play provision will, as far as possible and as appropriate:
- i. provide stimulating environments.
 - ii. provide a range of play experiences including opportunities to connect with nature.
 - iii. be inclusive.
 - iv. be suitable for different ages of children and young people.
 - v. be easily and safely accessible by children and young people independently, including those with a disability.
 - vi. incorporate trees and/or other forms of greenery.
 - vii. form an integral part of the surrounding neighbourhood.
 - viii. be well overlooked for passive surveillance.

be linked directly to other open spaces and play areas.

- 6.16 In addition, NPF 4 Policy 3 Biodiversity requires development to incorporate appropriate measures to conserve, restore, and enhance biodiversity and ALDP 2023 Policy P1 also says that all developments should identify measures that will be taken to enhance biodiversity in proportion to the potential opportunities available and the scale of the development.
- 6.17 Concerns in the letters of representation indicate that the proposed play area has the potential to be noisy and attract anti-social behaviour from youths and spoil the coastal views from residential properties.
- 6.18 In the supporting information, it is stated that the designs for the exterior areas have been adapted to move any seating / play as far as possible from residential areas to minimise noise, with soft planting and dunes used in between to further dampen possible noise. The mounded areas which are to be planted with appropriate species do not extend higher than the existing boundary wall (Maximum height of 1.1m) and this was to minimise impact on residents' views. The play area is accessible and the development links to the wider area by new paths and improvements to existing paths along the northern side of the car park and to the north of the building.
- 6.19 The development will undoubtedly benefit younger people, with a new Improved play area which is enclosed and sited away from vehicular traffic. The provision of picnic benches and seating will not only allow for supervision but will enhance the outdoor space for all visitors. The external space accommodating the play area will be clearly visible from the adjacent public road and residential properties along High Shore. Taking account of these factors, it is not anticipated to become a problem area for youths congregating etc. The natural designed play equipment that presently exists at the west side of the building is to be reused as part of the development. It is expected that there will be a level of noise associated with a children's play area. It should be noted that Environmental Health has not raised any concerns on this matter.
- 6.20 The development will bring life into this part of town and the fact that people will use the area for leisure is a positive attribute. As part of the public engagement, the views of local residents were taken into account in the design of the external spaces with the following suggestions being incorporated mounds, wooden features, stepping stones, and water features, along with interpretation for children such as rubbing posts, activity boards, species identification panels etc. Whilst most of the details of the external spaces have been submitted, as detailed in section 2, the species for the landscaping required to be amended to make it more in keeping with the coastal location. The conceptual design is however considered to be appropriate to the character of the aquarium and will complement and enhance the visitor experience. A condition will be applied for the finalised soft and hard landscaping details of the external spaces. Biodiversity enhancement in the proposals have been noted to include the replacement of amenity grass and gravel with native coastal plant species. The need for

including biodiversity in the revised landscaping scheme will be included within the condition which will ensure that biodiversity enhancement in line with policy requirements. The development is considered to meet the criteria set out under Policy 21 with regards the external play area.

- 6.21 Overall, the design of the building and external space is considered to comply with the 6 qualities of successful places as defined under NPF 4 Policy 14 and ALDP 2023 Policies P1 and P3.

Technical Considerations

- 6.22 The site is identified on the SEPA flood maps as being a medium risk of coastal and surface water flooding. Policy 22 of NPF 4 states that development proposals at risk of flooding or in a flood risk area will only be supported if they meet one of the specified criteria. The criteria that applies to the proposed development is where development comprises small-scale extensions and alterations to existing buildings where they will not significantly increase flood risk. The development is considered to meet these criteria. Policy C4 Flooding as defined within ALDP 2023 states that we will not approve development that may contribute to flooding issues elsewhere.
- 6.23 Within the Flood Statement submitted, it is stated that the proposed development is for a small-scale extension to an existing building with no increase in land use vulnerability and the development will not significantly increase flood risk. In relation to the coastal flooding aspect, SEPA in its response has indicated that since it provided pre-application advice on this site, and that the coastal flood maps have been updated and now include an assessment of flood risk from wave overtopping. Based on this assessment, the SEPA future flood maps indicate that this site is at risk of flooding from the sea. However, SEPA fundamentally note that it is an existing building and that any increase in building footprint is unlikely to increase flood risk elsewhere and therefore it is satisfied that the proposals meets the exceptions (i.e. building extension) as detailed under Policy 22 of NPF 4 and it does not object. The development is considered to comply with both Policy 22 of NPF 4 and C2 of ALDP 2023.
- 6.24 Policy RD1 advises that we will only allow development that is located and designed to take advantage of, or incorporate, the services, facilities, and infrastructure necessary to support it. These matters include road access, waste management provision, water supply, wastewater connections and treatment, and other elements as may be appropriate in the circumstances. NPF 4 Policy 18 states that development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure.
- 6.25 Concerns were raised in relation to parking and the potential for customers' vehicles overspilling to nearby streets and therefore being in conflict with existing residents parking. In terms of the parking to facilitate the development, the Transport Statement (December 2023) details that the current level of parking is for 45 spaces and 2 bus bays and the new car park

layout provides 52 car parking spaces. which includes 4 accessible spaces (one with EV charging) and 5 standard EV spaces, 2 motorcycle spaces. and 2 bus bays. There is also cycle-rack provision that will accommodate 12 bikes adjacent to the entrance. The transport statement indicates that the development will result in a 20% increase in the number of visitors and therefore equates to a 20% increase in parking demand (i.e. provision for 62 cars meaning that the number of spaces within the site is 10 short). The report concludes that for the vast majority of the time that the proposed car parking would cater for the projected numbers. During the busiest of peak periods, the existing car park can be at 100% capacity for short durations with some on-street parking occurring. There is space along Bankhead for around 9 cars on-street and a further 12 spaces within the nearby Bankhead car park.

- 6.26 Roads Development advise that whilst there is a reduction of “standard” car parking spaces within the site, this is offset by a proposed increase of electric vehicle charging spaces and cycle spaces, and as a result, it has no objections to the proposed changes to the Aquarium car park. It also notes that the Aquarium site is accessible by public transport, walking, and cycling. It requests that a condition is applied requiring that the Aquarium extension does not come into operation until the remodelled car park is ready for use. The installation of EV chargers also accords with the aims of NPF 4 Policy 2 Climate mitigation and adaptation which states that proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported. The installation of the EV chargers will be secured by condition.
- 6.27 Taking account of the above, the development is not expected to cause issues of parking conflict with properties in the vicinity. Vehicular access to the site remains unchanged, with access continuing to be via the existing priority controlled junction with Bankhead. The proposed development is therefore considered to be in accordance with the relevant road and parking elements of Policy RD1 of the Local Development Plan.
- 6.28 In terms of waste provision, there is an area at the far north-west side of the car park safeguarded for bin storage and collection. As no detail of the bin provision has been submitted, and in order to ensure that it meets the requirement of Waste Management, a condition shall be applied requesting that the details of the food and residual waste and recycling are submitted to planning service for approval.
- 6.29 In relation to water supply and wastewater, Policy RD1 advises that we will support development when the developer satisfactorily meets the required standards for water, wastewater, and surface-water drainage servicing in the new development. Policy 22 (Flood risk and water management) of NPF4 advises that development proposals will be supported if they can be connected to the public water mains. The development would be serviced by existing public water and sewer networks connecting to the building. The Flood Risk statement identifies that in terms of surface water drainage that the drainage facilitating the site is by a number of drainage structures within the site, which includes several gullies and a combined sewerage network. The

gullies connect to an interceptor that discharges via outlet pipe to the sea. Flood prevention have not raised any concerns in regard the proposed means of surface water drainage and on this basis, the development is considered to be able to be adequately serviced in terms of water supply and wastewater and surface water in compliance with policies RD1 of ALDP23 and 22 of NPF4.

Conclusion

- 6.30 The new improved tourist attraction comprising the extension to the Aquarium and redevelopment of the external areas will undoubtedly improve the facility as a visitor attraction and will increase visitor numbers which will have positive economic benefits for the town.
- 6.31 Good use has been made of the restricted site availability and the design complements the existing building on site and will make the facility stand out more within the townscape. The proposal is considered to be appropriately sited and designed causing no negative amenity impacts. The development encompasses many desirable features (biodiversity and environmental enhancement, new play area, links with the wider town, better access etc). All technical matters have been addressed and their implementation can be covered by application of appropriate conditions. In conclusion, the proposal complies with the relevant policies contained within the Aberdeenshire Local Development Plan 2023 and the National Planning Framework 4 and as such the Planning Service recommend the application favourably subject to 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 has been carried out as part of the development of the proposals set out above. It is included as **Appendix 8** and identifies no negative impacts as a result of the development. The positive impacts identified are for younger people with the inclusion of the play area and enhanced visitor experience. In terms of town centre impacts, the assessment identifies the following aspects will have positive impacts: footfall, cultural heritage, tourism, and social and cultural aspects.
- 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.

8.4 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.

9. Departures, Notifications and Referrals

9.1 Development Plan Departures

None

9.2 The application is not a Departure from the valid Development Plan and no departure procedures apply.

9.3 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.

9.4 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.

10. Recommendation

10.1 GRANT subject to the following conditions:

1. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. That for the avoidance of doubt the Soft Landscape Layout plan 18739-RFL-S1-XX-DR-L-94-02 dated 11/12/2023 and the associated Maintenance Plan dated 8 /12/2023 by Rankin Fraser is not approved. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to, and approved in writing by, the planning authority. Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained.
- b) Protection measures for the landscape features to be retained.
- c) Existing and proposed finished levels.
- d) The location of new trees, shrubs, hedges and grassed areas.

- e) A schedule of planting to comprise species, plant sizes, and proposed numbers and density.
- f) Details of the measures incorporated to enhance biodiversity.
- g) The location, design, and materials of all hard landscaping works including walls, fences, gates, street furniture, and play equipment.
- h) An indication of existing trees, shrubs, and hedges to be removed.
- i) A programme for the implementation, completion, and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping appropriate to the coastal location is provided which will help to integrate the proposed development into the landscape in the interests of the visual amenity of the area.

3. That prior to the development hereby approved being open to members of the public, the car parking area shall be laid out in accordance with the detail on Site Plan reference 1 8739-PFM-S1-XX-DR-A-00-03 dated 11-12 2023. The surfacing of the car park shall be tarred or paved in a hard wearing surface material and the car parking spaces shall be clearly marked out using white plastic road paint or similar. Any variation to the proposed surfacing or demarcation shall be subject of the prior written approval of the planning authority.

Reason: In the interest of road safety.

4. Prior to commencement of development, details of the refuse bin/ waste storage shall be submitted for the approval in writing of the planning authority. The development hereby approved shall not be brought into use unless the agreed details have been implemented on site in their entirety. The refuse bin/ waste store shall thereafter be retained in perpetuity.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

5. The development hereby approved shall not be open to members of the public unless the electric vehicle (EV) charging points as detailed on the site layout plan 1 8739-PFM-S1-XX-DR-A-00-03 dated 11-12 2023 and detailed on the "Post eVolve Series" brochure has been provided on site in

accordance with the approved details. Any variations to the positions or design of the EV chargers shall require to be submitted for the prior approval of the Planning Authority in advance of them being installed on site.

Reason: In the interests of making provision for the use of electric vehicle to reduce carbon emissions in line with Policy C1 of the Aberdeenshire Local Development Plan and Policy 2 of NPF 4.

6. No works in connection with the development hereby approved shall commence unless a sample of all the materials to be used in the external finish for the approved development have been submitted to, and approved in writing by, the planning authority. The detail provided shall include but is not limited to the following materials: Metal rainscreen cladding, metal mesh cladding, smooth white render, doors and windows and rain water goods. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

10.2 Reason for Decision

The proposal complies with both the relevant policies of the Aberdeenshire Local Development Plan 2023 and the National Planning Framework 4. The development will improve the facility as a visitor attraction and will increase visitor numbers which will have positive economic benefits for the town and the principle of proposal complies with NPF4 Policies 21, 27 and 30 and ALDP Policies B3, B1 and P3. The proposal is considered to be appropriately sited and designed, causing no negative amenity impacts to neighbouring properties or the surrounding area in compliance with NPF4 Policy 14 and ALDP Policy P1. All technical considerations have been addressed in compliance with NPF 4 Policies 18 and 22, and ALDP 2023 policies C4 and RD1.

Alan Wood
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