

# Public Document Pack



To: Councillor Milne, Convener; and Councillors Lawrence and Nicoll.

Town House,  
ABERDEEN 02 February 2017

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in Committee Room 2 - Town House on **WEDNESDAY, 8 FEBRUARY 2017 at 9.30 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

- 1 Procedure Notice (Pages 5 - 6)

**COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING**

**TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS**

### **PLANNING ADVISER - LUCY GREENE**

- 2 Broadfold Road Aberdeen - Erection of Fast Food Restaurant with Associated drive-thru, infrastructure works and landscaping - 160623
- 3 Delegated Report, Plans and Decision Notice and letters of representation (Pages 7 - 40)

Members, please note that the relevant plans can be viewed online:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

- 4 Planning policies referred to in documents submitted

Members, the following planning policies are referred to:-

Aberdeen Local Development Plan

BI1 - Business and Industrial Land

D1 - Architecture and Placemaking

D3 – Sustainable and Active Travel

T2 – Managing the Transport Impact of Development

Proposed Local Development Plan

B1 - Business and Industrial Land

D1 – Quality Placemaking by Design

T2 – Managing the Transport Impact of Development

T3 - Sustainable and Active Travel

The policies can be viewed at the following link:-

[http://www.aberdeencity.gov.uk/planning\\_environment/planning/local\\_development\\_plan/pla\\_local\\_development\\_plan.asp](http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp)

5 Notice of Review with supporting information submitted by applicant / agent  
(Pages 41 - 96)

6 Determination - Reasons for decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

7 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

**PLANNING ADVISER - ROBERT FORBES**

8 29 King's Gate - Replacement Windows and Door to dwelling house - 161326

9 Delegate Report, Plans and Decision Notice (Pages 97 - 110)

Members, please note that the relevant plans can be viewed online:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ODFVZPBZGP700>

10 Planning policies referred to in documents submitted

Members, the following planning policies are referred to:-

**Aberdeen Local Development Plan**

D1: Architecture and Placemaking

D5: Built Heritage

H1: Residential Areas

**Proposed Aberdeen Local Development Plan**

D1: Quality Placemaking by Design

D4: Historic Environment

H1: Residential Areas

**OTHER RELEVANT MATERIAL CONSIDERATIONS**

**Supplementary Guidance**

Technical Advice Notes: 'The Repair and Replacement of Windows and Doors'.

Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance note series: 'Windows' and 'Doorways'

The policies can be viewed at the following link:-

[http://www.aberdeencity.gov.uk/planning\\_environment/planning/local\\_development\\_plan/pla\\_local\\_development\\_plan.asp](http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp)

- 11 Additional Planning Policy's to be referred to by Planning Adviser

[https://consultation.aberdeencity.gov.uk/planning/supplementary-guidance2017/supporting\\_documents/1.1.PolicySG.WindowsDoors.pdf](https://consultation.aberdeencity.gov.uk/planning/supplementary-guidance2017/supporting_documents/1.1.PolicySG.WindowsDoors.pdf)

Doorways

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=2f623b09-7ecc-4cc1-a1a0-a60b008c71c9>

Windows

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=3425bb51-8a55-4f99-b7aa-a60b009fbca2>

- 12 Notice of Review with supporting information submitted by applicant/agent (Pages 111 - 116)
- 13 Determination - Reasons for decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

- 14 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Lynsey McBain on [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk) / tel 01224 522123



## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

### PROCEDURE NOTE

#### GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.  
Any representations:
  - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
  - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
  - (a) written submissions;
  - (b) the holding of one or more hearing sessions;
  - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

#### DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-
 

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
  - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
  - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
  - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
  - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
  - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

## Report of Handling Detailed Planning Permission

**160623:** Erection of fast food restaurant with associated 'drive-thru', infrastructure works and landscaping at Broadfold Road, Aberdeen, AB23 8EE,

For: Kemble Estates Ltd

Application Date:	19 May 2016
Officer:	Jane Forbes
Ward:	Bridge Of Don
Community Council:	Bridge Of Don
Advertisement:	Advertised as Project of Public Concern
Advertised Date:	1 June 2016

### **RECOMMENDATION: Refuse**

#### **SITE DESCRIPTION**

The application site lies on the corner of Broadfold Road and Intown Road and forms part of the Bridge of Don Industrial Estate. The site extends to 0.25ha, and whilst now cleared, was formerly occupied by a car sales garage and workshop. Access to the site is via Intown Road.

#### **DESCRIPTION OF PROPOSAL**

This application seeks full planning permission for the erection of a fast food restaurant and 'drive-thru' facility, with associated car parking and landscaping. The proposed development would comprise a single storey, 275m<sup>2</sup>, flat-roofed building located within the northern section of the site, with vehicle access for the drive-thru facility running anti-clockwise along the boundary of the site, and the 'drive-thru' collection point located along the northern elevation of the building. The 34 proposed parking spaces would be located centrally within the site.

The proposed external finish of the building would incorporate a significant amount of glazing on the front elevation, which faces south across the car park, whilst the remaining elevations would include a combination of stone, vertical timber effect and aluminium panel cladding. The roof would be finished in a white laminated membrane which would be screened by means of aluminium upstands.

The proposed landscaping for the site would see the retention of two mature trees along the southern boundary, with additional planting proposed along this same boundary and along the eastern boundary.

#### **RELEVANT HISTORY**

P120633: Proposed redevelopment of the existing commercial site, to include demolition of the existing car showroom and workshop and erection of

industrial/commercial unit with car park and yard. Application approved in June 2015.

P151586: Proposed temporary consent for 76 bedroom containerised hotel with social space and 68 parking spaces & change of use to Class 7 hotel. Application withdrawn on 19 November 2015.

### **SUPPORTING DOCUMENTS**

All drawings and supporting documents listed below can be viewed on the Council's website at [www.publicaccess.aberdeencity.gov.uk](http://www.publicaccess.aberdeencity.gov.uk).

- Planning Support Statement by Halliday Fraser Munro, dated May 2016
- Drainage Impact Assessment by Cameron & Ross, dated 12 May 2016
- Supporting Technical Statement by ECS Transport Planning Ltd, dated 21 October 2016

### **CONSULTATIONS**

**Roads Development Management Team:** Having taken into account the detail of the proposed development, including the Supporting Technical Statement, the Roads Development Management team formally objected to the proposal. The concerns raised are dealt with in detail as part of the overall evaluation below.

**Flooding and Coastal Protection Unit:** No objection, but comments provided requesting submission of detail on proposed storage volumes of water up to a 1:200 year event, and level of treatment provided. Confirmation is also sought that the site is not susceptible to over land flow entering it and overland flow exiting up to the 1:20 year.

**Environmental Health Team:** No objection, but request for conditions to be applied, should consent be granted, relating to the installation of an appropriate ventilation system; appropriate waste management for the site when operational; and restricted hours for service deliveries.

**Community Council:** The Bridge of Don Community Council objected to the proposal, and raised the following concerns: (1) The proposed use would be in close proximity to an existing fast food restaurant with a drive-thru facility which already experiences issues with traffic management at peak times, causing tailbacks onto Broadfold Road/Intown Road and Ellon Road, and impacting on the free flow of traffic on Ellon Road, and potentially compromising access to the cycle lane; (2) The proposed development would likely result in increased traffic levels and add to the problems of a busy junction which is unavoidable as the sole means of access/exit to the site on Intown Road; (3) Clarification was sought on the measures likely to be taken to address traffic management; and (4) Concerns were raised about littering at the site and clarification sought on the arrangements which would be put in place to ensure the site remained tidy.

### **REPRESENTATIONS**

Two letters of objection were received. The concerns raised are summarised as follows:

- The proposed use is incompatible with the surrounding established industrial land uses;
- The locality is primarily an established industrial estate, including the site to the north, which is a gas production and distribution site with hazardous substances consent and cryogenic storage. The proposed use, being leisure related, is inappropriate and may impinge on existing operations.
- Whilst it is appreciated that businesses that 'support economic activity' can be regarded as appropriate, the proposed development will create greater problems, largely for safety reasons.
- The road infrastructure will bring contention between parked cars, heavy goods vehicles, those using the proposed new fast food outlet and the existing McDonalds at the corner of Intown Road\Broadfold Road.
- Intown\Broadfold Road junction is often congested, with traffic over-spilling on to the A956 Ellon Road; this will only get worse with an additional outlet at this site.
- Intown Road utilises the same junction for exit entrance therefore customers and goods vehicles trying to access neighbouring business/industrial premises will come in to conflict with those exiting the proposed new premises. This may be detrimental to existing business.
- There are a number of HGV that park overnight on Intown road which may lead to vehicle accidents.
- There will be problems with littering and potentially vermin.
- An existing catering trailer which is located immediately adjacent to the site and licensed to trade on Intown Road would be affected by the proposed use and likely have to consider moving.

## **PLANNING POLICY**

### Aberdeen Local Development Plan

BI1 - Business and Industrial Land

D1 - Architecture and Placemaking

D3 – Sustainable and Active Travel

T2 – Managing the Transport Impact of Development

### Proposed Local Development Plan

B1 - Business and Industrial Land

D1 – Quality Placemaking by Design

T2 – Managing the Transport Impact of Development

T3 - Sustainable and Active Travel

## **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

### **Principle of Development**

The application site is zoned under Policy BI1 (Business and Industrial Land) of the Aberdeen Local Development Plan, which supports the development, retention and expansion of industrial and business uses within such areas, including Classes 4

(Business); 5 (General Industrial); and 6 (Storage or Distribution). Policy BI1 does allow for the consideration of proposals which do not fall within such classes, and these may be supported if they are deemed to be ancillary to, and supportive of existing uses. However, such ancillary uses must be aimed primarily at meeting the needs of business and employees within the business and industrial area.

The proposed use as a fast food restaurant, with associated drive-thru, does not fall within any of the above classes, and as such it must be evaluated against the latter of the above principles. In this instance, whilst people working within the surrounding area may well use such a facility, it is nevertheless apparent that the very nature of the development, alongwith the location of the site and its visibility from the adjacent A956 Ellon Road dual carriageway, a key district distributor road, would ensure a far wider customer base would be attracted than that of the business and industrial park within which it lies. Moreover, it is considered that the strategic and elevated position of the proposed restaurant and drive-thru, and its resulting visual prominence to users of the dual carriageway, combined with the predominant vehicular focus of the proposal (indirect access from the main route; drive-thru facility; and high levels of car-parking, exceeding the Council's standard requirements for the site); would result in a use which would primarily serve and attract passing trade, and in particular, the vehicular users of the main arterial route. The proposed development would not therefore deliver a use designed to primarily meet the needs of businesses and employees of the adjacent sites within the surrounding business and industrial area, but would serve a customer base across a far wider catchment area. Taking the above into account, the proposal does not comply with Policy BI1, and would constitute a departure from development plan policy.

For the purpose of clarity, and in order to establish whether any material considerations exist which may outweigh this policy position, an assessment under all remaining relevant policy is set out below.

### **Design, siting, scale etc**

In relation to Policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan, whilst acknowledging that in their individual rights the design, scale and positioning of the proposed development within the site may raise no specific concerns, it is nevertheless apparent that the proposal has no exceptional, individual merits which could justify the introduction of a 'bad-neighbour' development to the site and outweigh the non-compliance with Policy BI1.

### **Traffic Impacts, Access Arrangements and Car Parking**

The proposed layout of the site is considered acceptable, with the main frontage of the proposed building facing south across an area of car parking, towards Broadfold Road. The existing site access would remain, and whilst according to the requirements for this type of use based on Aberdeen City Council's supplementary guidance on Transport and Accessibility, the number of parking spaces proposed would be an over-provision of 6 spaces, this in itself would not raise significant concern.

Based on experience of existing pressure on the local road network, including pressures in connection with the existing take-away adjacent to the application site, the Roads Development Management Team advised that a detailed traffic analysis

would be required to fully demonstrate the impact of the proposed development on traffic movement in the area. The findings of the technical statement subsequently submitted by the applicant's traffic consultant formed part of the overall assessment, and the following concerns were subsequently raised by the Roads team:

#### Road Network

It was noted that as part of an industrial area, Broadfold Road already has traffic management in place (double yellows – at any time restrictions) and experiences queues caused by illegal parking. The illegal parking is thought to be caused by customers accessing the neighbouring site at McDonalds. These issues were raised both by ACC's Roads team, and within the technical statement submitted by the applicant in support of the proposal.

#### Development Trip Generation

The Roads team assessed the impact of additional trips on the road layout which would result from the proposed development, and found that the additional 113 vehicle movements at peak times (1615 hrs – 1715 hrs), and 179 movements during the Saturday peak (1215 hrs – 1315 hrs), outlined as part of the Supporting Technical Statement, would result in additional congestion and queue lengths.

#### Queue Lengths and Congestion

The evidence from the Supporting Technical Statement confirms that during peak periods, traffic already queues out of the adjacent McDonalds site onto Broadfold Road and as far back as its junction with Ellon Road. The Roads team has concerns that any additional traffic on the road network as a result of the proposed development would result in queues onto Ellon Road, and the Technical Statement acknowledges additional trips to the Broadfold Road area would be created by the proposed hot food takeaway and drive-thru.

The Roads team is of the view that the number of trips which would be generated as a result of a competing business would add to the volume of traffic, exacerbate the existing situation, and result in longer queues in the vicinity of the junctions of Ellon Road / Broadfold Road / Intown Road / McDonalds takeaway.

#### Parking / On-street parking issues

Broadfold Road has a significant amount of 'at any time' waiting restrictions in place, with the aim of maintaining access for heavy goods vehicles. The Roads team have advised that the evidence of illegal parking on Broadfold Road at peak times indicates that the parking restrictions in place are not being observed. The effect of rogue parking is that it restricts the use of Broadfold Road, and this situation is not guaranteed to change with the introduction of additional parking spaces at the new proposed takeaway. Furthermore, if the new fast-food restaurant car park were to be used by customers accessing the existing fast-food restaurant, then this would increase the risk of pedestrian / vehicle conflict.

To conclude, whilst the Roads team found that the existing junction arrangement functioned with current traffic demands, they advised that any increase to the number of vehicle movements through the addition of a new source of traffic generation at peak times of demand would result in additional queues and create a road safety risk for traffic using the A956 Ellon Road. Taking all of the above into

account, it is considered that the proposal would fail to comply with the requirements of both Policy T2 (Managing the Transport Impact of Development) and Policy D3 (Sustainable and Active Travel) in as far the application and supporting information neither demonstrates that sufficient measures have been taken to minimise the traffic generated nor that it has been designed in order to minimise travel by private car or encourage active travel.

### **Proposed Aberdeen Local Development Plan**

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015 and the Reporter has now reported back. The proposed plan constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporters response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP.

Approval to adopt the LDP was given by the Full Council at their meeting of 14 December 2016. The actual adoption date is likely to be around the third week in January 2017.

### **Matters Raised in the Letters of Representation**

The above evaluation has addressed all matters of concern raised in the letters of representation, with the exception of the potential business impact which the proposed development could have on an existing licensed hot food trader operating from Intown Road, however, albeit that the proposal is being refused, this issue is not a material consideration in the evaluation of this proposal.

### **Conclusion**

The proposal may be considered acceptable in terms of its design and scale. However, the proposed development would fail to comply with the requirements of Policy B11 (Business and Industrial Land) of the Aberdeen Local Development Plan in as far as it does not constitute a business or industrial use or a use that can be considered ancillary to other uses within the surrounding business park, and as a result would constitute a departure from development plan policy. Furthermore the proposal would also be contrary to the requirements of both Aberdeen Local Development Plan Policy T2 (Managing the Transport Impact of Development) and Policy D3 (Sustainable and Active Travel) in as far the application and supporting information does not either demonstrate that sufficient measures have been taken to minimise the traffic generated or that it has been designed in order to minimise travel by private car or encourage active travel. No material considerations have been identified that would outweigh this policy position, including the policies and guidance set out in the proposed Aberdeen Local Development Plan.



**RECOMMENDATION: Refuse**

**REASONS FOR RECOMMENDATION**

The proposed development would result in the introduction of a 'bad-neighbour' development to the site, in the form of a fast food restaurant and associated drive-thru. By its very nature, the main focus of such a use is typically to serve and attract passing trade, and in particular, given the site location, this would be in the form of vehicular users of the main arterial route from which the site is accessed, the A956 Ellon Road. The proposed development would not be delivering a use designed to primarily meet the needs of businesses and employees of the surrounding business and industrial area, but would be serving a customer base from across a far wider catchment area. As such, approval of the proposed development would generate additional traffic, thereby exacerbating existing congestion in the vicinity of the site.

Whilst acknowledging that the design, scale and finishing of the proposed development may not raise specific concerns, it is apparent that such detail cannot be viewed in isolation nor outweigh the issue of principle in this instance.

It is concluded that the proposed development would fail to comply with the requirements of Policy BI1 (Business and Industrial Land) of the Aberdeen Local Development Plan in as far as it does not constitute a business or industrial use or a use that can be considered ancillary to other uses within the surrounding business park, and as a result would constitute a departure from development plan policy. Furthermore the proposal would also be contrary to the requirements of both Aberdeen Local Development Plan Policy T2 (Managing the Transport Impact of Development) and Policy D3 (Sustainable and Active Travel) in as far the application and supporting information neither demonstrates that sufficient measures have been taken to minimise the traffic generated or that it has been designed in order to minimise travel by private car or encourage active travel. There are no material considerations identified, including evaluation under the Proposed Aberdeen Local Development Plan 2016, that would outweigh the above policy position or justify approval of the application.



## **DECISION NOTICE**

### **The Town and Country Planning (Scotland) Act 1997**

### **Detailed Planning Permission**

Halliday Fraser Munro  
Carden Church  
6 Carden Place  
Aberdeen  
AB10 1UR

on behalf of **Kemble Estates Ltd**

With reference to your application validly received on 19 May 2016 for the following development:-

**Erection of fast food restaurant with associated 'drive-thru', infrastructure works and landscaping at Broadfold Road, Aberdeen**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

<b>Drawing Number</b>	<b>Drawing Type</b>
10247-P(00)001	Location Plan
10247-P(00)005 Rev A	Multiple Elevations (Proposed)
10247-P(00)004	Ground Floor Plan (Proposed)
10247-P(00)003	Site Plan (Proposed)
10247-P(00)006	Roof Plan (Proposed)
900	Site Layout (Proposed)
01	Supporting Technical Statement

The reasons on which the Council has based this decision are as follows:-

PETE LEONARD  
DIRECTOR

The proposed development would result in the introduction of a 'bad-neighbour' development to the site, in the form of a fast food restaurant and associated drive-thru. By its very nature, the main focus of such a use is typically to serve and attract passing trade, and in particular, given the site location, this would be in the form of vehicular users of the main arterial route from which the site is accessed, the A956 Ellon Road. The proposed development would not be delivering a use designed to primarily meet the needs of businesses and employees of the surrounding business and industrial area, but would be serving a customer base from across a far wider catchment area. As such, approval of the proposed development would generate additional traffic, thereby exacerbating existing congestion in the vicinity of the site.

Whilst acknowledging that the design, scale and finishing of the proposed development may not raise specific concerns, it is apparent that such detail cannot be viewed in isolation nor outweigh the issue of principle in this instance.

It is concluded that the proposed development would fail to comply with the requirements of Policy BI1 (Business and Industrial Land) of the Aberdeen Local Development Plan in as far as it does not constitute a business or industrial use or a use that can be considered ancillary to other uses within the surrounding business park, and as a result would constitute a departure from development plan policy. Furthermore the proposal would also be contrary to the requirements of both Aberdeen Local Development Plan Policy T2 (Managing the Transport Impact of Development) and Policy D3 (Sustainable and Active Travel) in as far as the application and supporting information neither demonstrates that sufficient measures have been taken to minimise the traffic generated or that it has been designed in order to minimise travel by private car or encourage active travel. There are no material considerations identified, including evaluation under the Proposed Aberdeen Local Development Plan 2016, that would outweigh the above policy position or justify approval of the application.

**Date of Signing** 21 December 2016

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive style with a clear first name and a last name.

**Daniel Lewis**  
Development Management Manager

## **IMPORTANT INFORMATION RELATED TO THIS DECISION**

### **DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)**

None.

### **RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at [www.eplanning.scot](http://www.eplanning.scot).

Notices of review submitted by post should be sent to Planning and Sustainable Development (address at the top of this decision notice).

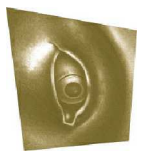
### **SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION**

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



# BROADFOLD ROAD

# INTOWN ROAD

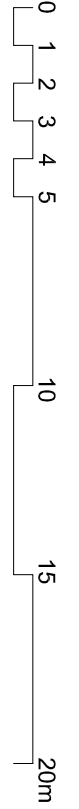


**HALLIDAY FRASER MUNRO**

CHARTERED ARCHITECTS · PLANNING CONSULTANTS

ABERDEEN · BELFAST · DUNDEE · EDINBURGH · GLASGOW

— Denotes Application Site Boundary



**DRIVE THRU RESTAURANT,  
BROADFOLD ROAD, ABERDEEN**

**Existing Site Plan**

Scale: 1:200 @ A2

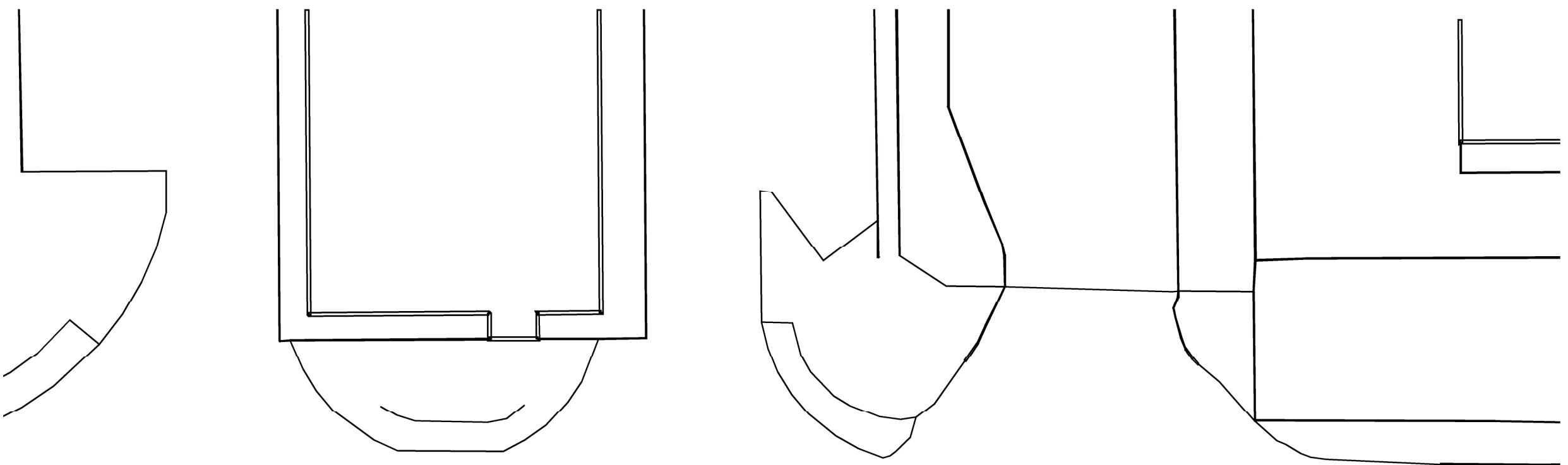
Date: April 2016

Dwg No: 10247-P(00)002

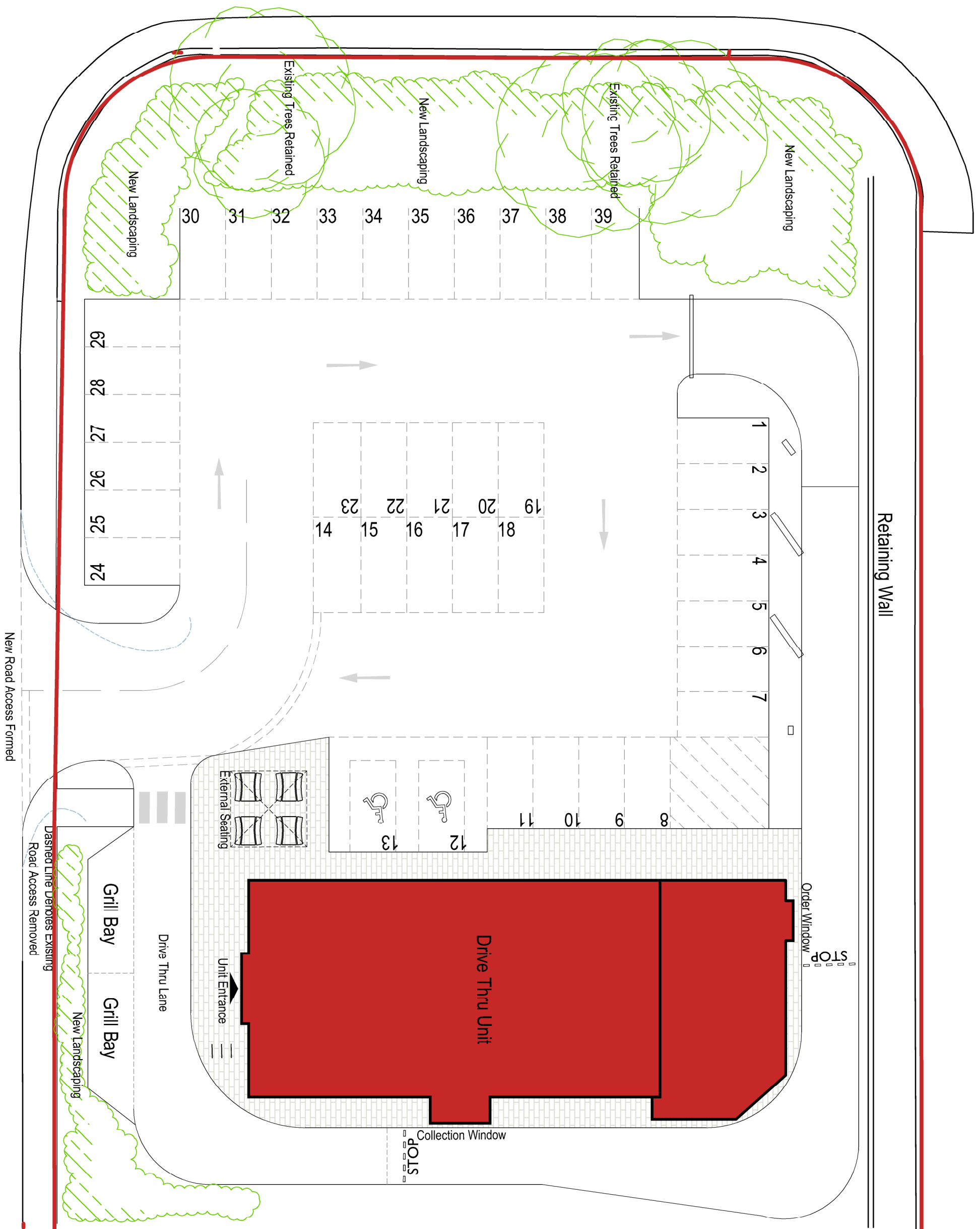
Copyright of this drawing resides in Halliday Fraser Munro



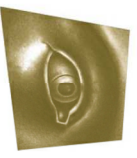




BROADFOLD ROAD



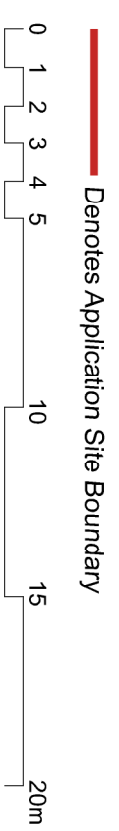
INTOWN ROAD



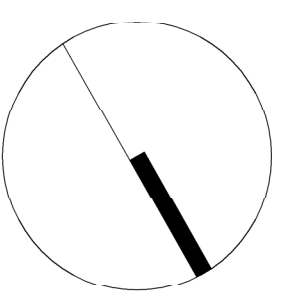
HALLIDAY FRASER MUNRO

CHARTERED ARCHITECTS • PLANNING CONSULTANTS

ABERDEEN • BELFAST • DUNDEE • EDINBURGH • GLASGOW



Denotes Application Site Boundary



**DRIVE THRU RESTAURANT,**  
BROADFOLD ROAD, ABERDEEN

**Proposed Site Plan**

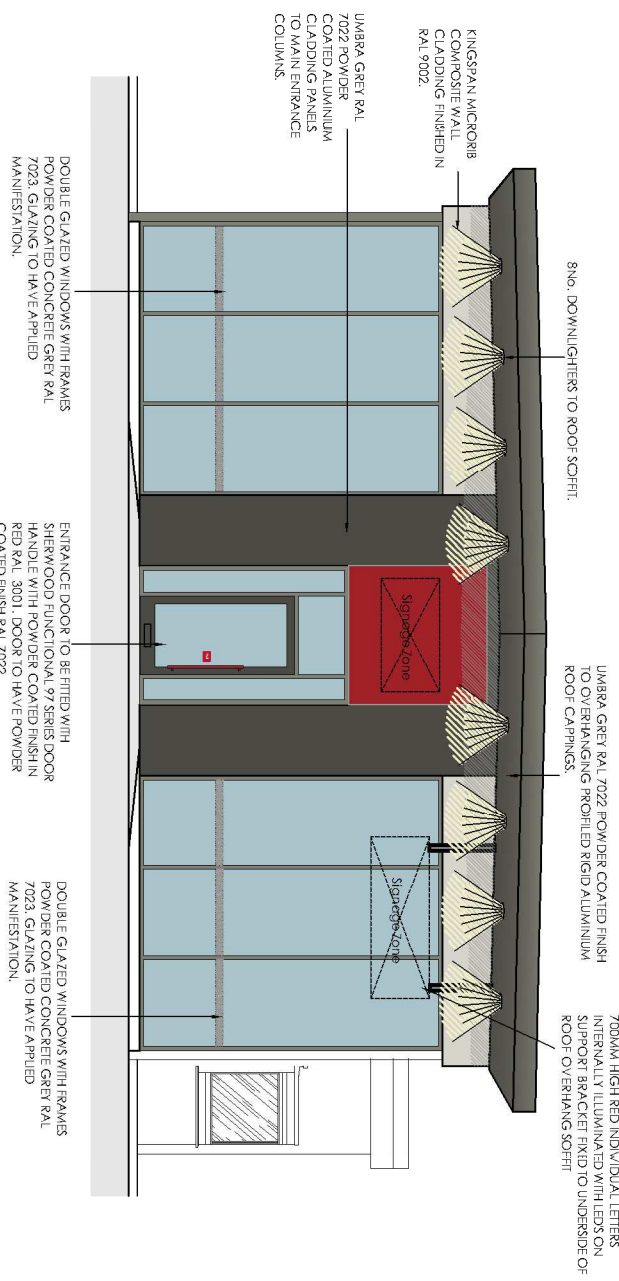
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Date: April 2016

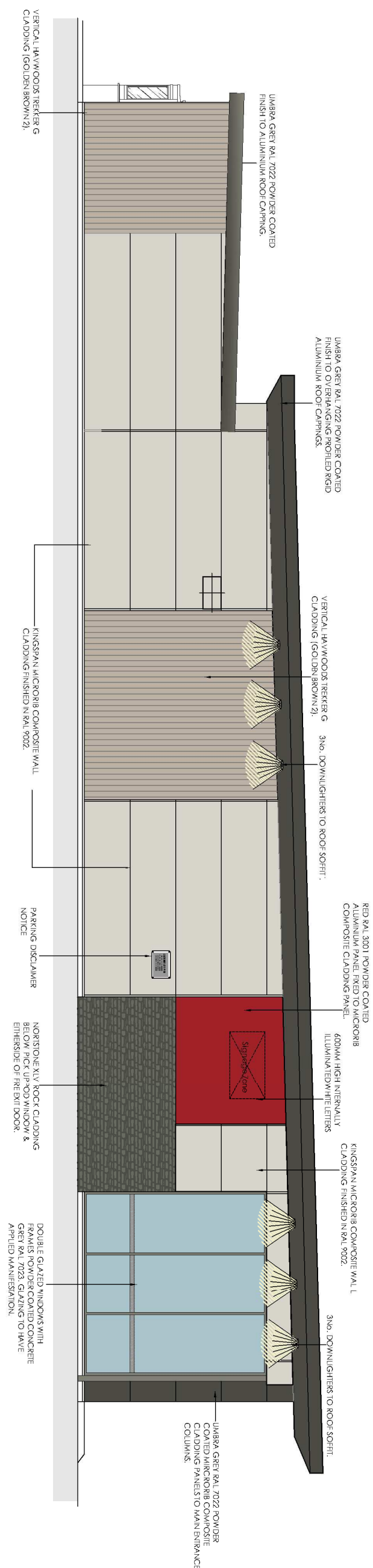
Dwg No: 10247-PA(00)003

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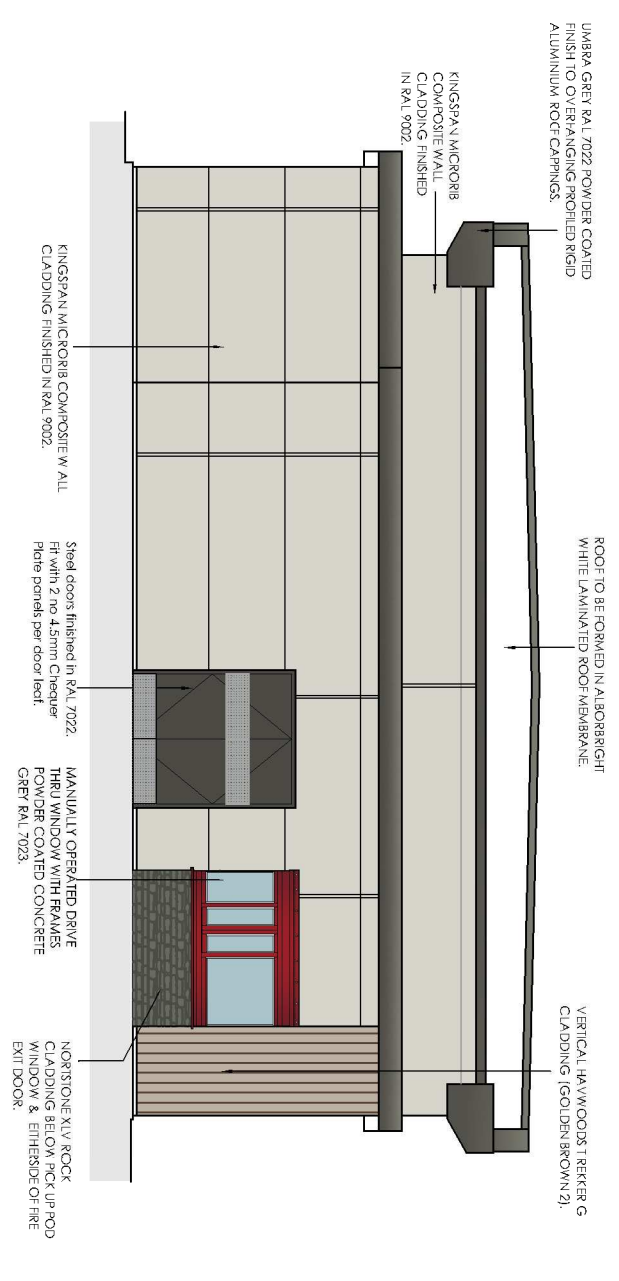




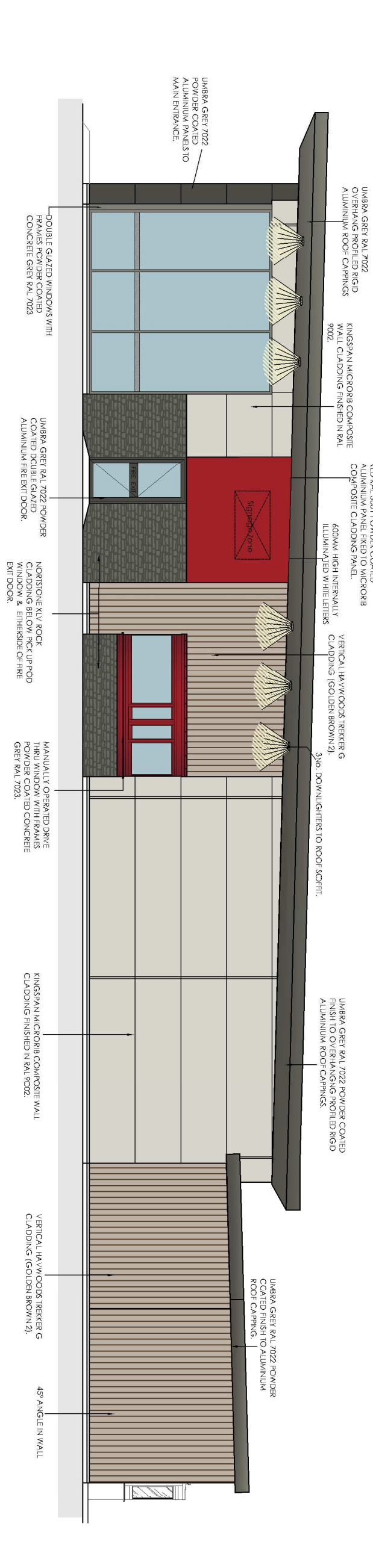
South East Elevation



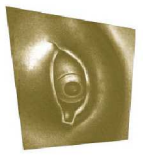
South West Elevation



North West Elevation

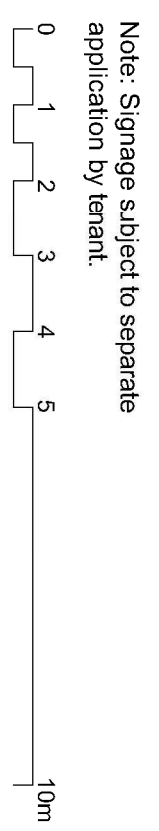


North East Elevation



**HALLIDAY FRASER MUNRO**

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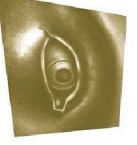


**DRIVE THRU RESTAURANT,  
 BROADFOLD ROAD, ABERDEEN**

**Proposed Elevations**  
 Scale: 1:100 @ A2  
 Date: April 2016  
 Dwg No: 10247-PR(00)005 Rev A

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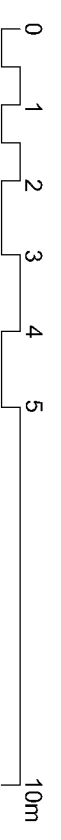
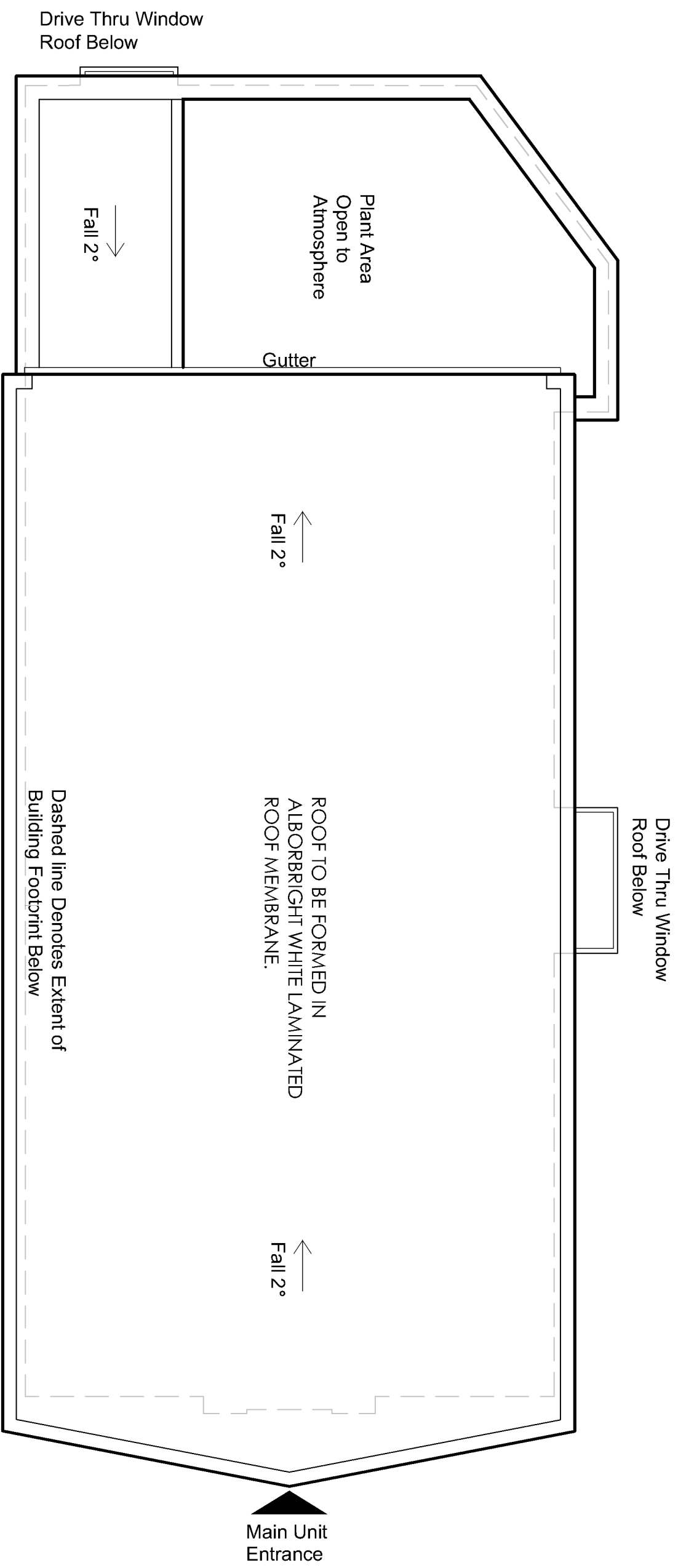




# HALLIDAY FRASER MUNRO

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## DRIVE THRU RESTAURANT, BROADFOLD ROAD, ABERDEEN

### Proposed Roof Plan

Scale: 1:100 @ A2

Date: April 2016

Dwg No: 10247-P(00)006

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**From:** GEORGE SAUNDERS  
**To:** [Jane Forbes](#)  
**Date:** 06 June 2016 17:48:40

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Good Evening Jane

Please can this be raised on behalf of the Bridge of Don Community Council.

With regard to planning application:P160623 please submit the following:

The proposed development is in very close proximity to an already established Fast Food Restaurant with a Drive thru Section. At peak times there are issues with traffic management, vehicles trying to access the site frequently cause tailbacks on Broadfold Road/ Intown Road and Ellon Road. Ellon Road is a dual carriageway and there are times where the nearside lane is blocked by vehicles trying to access Broadfold Road.

In addition the newly constructed cycle lane could be compromised due to traffic queuing issues at the junction.

With the proposed development, invariably traffic levels will increase considerably and add to the problems at an already busy junction. Intown Road where the development is to be built is a cul-de-sac with all traffic having to access/egress the site from the aforementioned problematic junction.

The Community Council are keen to know what measures have been taken to address the traffic management issue and what assessments have been undertaken to quantify the impact the proposed development would have on the existing junction/traffic flow.

It is our view that the application should be deferred until the issue on traffic management has been fully discussed and reviewed and full assessments carried out (if not already done so).

A second concern is over littering at the site. The Community Council seeks clarification as to what arrangements will be put in place to ensure the site and the immediate area near the development are kept tidy. Fast Food establishments produce large volumes of paper/cardboard disposable containers etc, Arrangements need to be in place to ensure that the business keeps the immediate area clean and also provide litterbins.

Kind Regards

George Saunders(Planning)Bridge of Don Community Council





**From:** webmaster@aberdeencity.gov.uk  
**To:** [PI](#)  
**Subject:** Planning Comment for 160623  
**Date:** 06 June 2016 12:52:05

---

Comment for Planning Application 160623

Name : Findlay MacNeill

Address : BOC Gases

Ellon Road

Bridge of Don

Aberdeen

Ab23 8BU

Comment : I refer to planning application ref: 160623 we would like to raise an objection to the application on the basis of the proposed use being incompatible with the surrounding established industrial land uses.

BOC Ltd are the UK's largest manufacturer and supplier of gas products and we have operated from our site in Aberdeen since the early 1970's. Our site is in operation 364 days per year, 24 hours a day with regular overnight deliveries, HGV and forktruck movements.

The site acts as a distribution hub for many of our cylindered gas products as well as a production base for our Cryospeed Liquid Nitrogen and Argon services, supplying many business in NE Scotland and offshore.

We wish to object on the following grounds:

• The locality is primarily an established industrial estate, including our premises, which is a gas production and distribution site with hazardous substances consent and cryogenic storage. The proposed use, being leisure related, is inappropriate and may impinge on existing operations.

• Whilst it is appreciated that businesses that 'support economic activity' can be regarded as appropriate, it is our view that the proposed development will create greater problems, largely for safety reasons.

• The road infrastructure will bring contention between parked cars, heavy goods vehicles, those using the proposed new fast food outlet and the existing McDonalds at the corner of Intown Road\Broadfold Road.

• Intown\Broadfold Road junction is often congested, with traffic overspilling on to the A956 Ellon Road; this will only get worse with an additional outlet at this site.

• Intown Road utilises the same junction for exit entrance therefore customers and goods vehicles trying to access our premises will come in to conflict with those exiting the proposed new premises. This may be detrimental to business via our retail outlet.

• There are a number of HGV that park overnight on Intown road which may lead to vehicle accidents.

• There will be problems with littering and potentially vermin.

We would be pleased to see the site utilised for a use which is compatible with the surrounding established industrial users, many of whom also operate on a 24/7 basis but the proposals for a further leisure/retail operator on this site is not felt to be such a use.

I would welcome the opportunity to discuss this matter in detail with you and I can be contacted via

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of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

**From:** webmaster@aberdeencity.gov.uk  
**To:** [PI](#)  
**Subject:** Planning Comment for 160623  
**Date:** 07 June 2016 17:29:32

---

Comment for Planning Application 160623

Name : Maureen Ross

Address : 102 Cairnwell Drive,

Aberdeen

AB16 5NT

type :

Comment : We have our catering trailer which is located outside this site. Why were we not one of the Neighbour Notification for Planning Application??

Our site had been there since August 2015 and now we are looking to have to move our unit due to this application.

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# MEMO

Environmental Health and Trading Standards  
**Communities, Housing and Infrastructure**  
3<sup>rd</sup> Floor South, Marischal College



To	Jane Forbes Planning & Sustainable Development		
From	Alison Robertson, Environmental Health Officer		
Email	Commerical@aberdeencity.gov.uk	Date	13/06/2016
Tel.	01224 522214	Our Ref.	ALM /PLNS
Fax.	01224 523887	Your Ref.	P160623

**Planning Reference: P160623**

**Address: Broadfold Road, Aberdeen**

**Description: Erection of fast food restaurant with associated 'drive-thru',**

**Applicant: Kemble Estates Ltd**

I refer to the above application and observe as follows:

## Description of Site and Location

The site to which this application relates is located on the North side of Broadfold Road, Bridge of Don bordering onto Intown Road to the East. The site although now cleared was previously in use as a Peugeot car showroom and garage.

Premises in close proximity to the application site are in mixed use, comprising of a fast food restaurant, car garage/body shop/tyre fitter and indoor football hall directly opposite to the South; with commercial businesses neighbouring the site to the West with an exhibition Centre and hotel complex to the South of the Ellon Road dual carriageway. A licensed mobile hot food catering unit is currently permitted to trade on Intown Road within the terms of their Street Traders Licence granted under the Civic Government (Scotland) Act 1982.

## Observations

The submitted plans indicate the proposal to erect a fast food restaurant with associated 'drive-thru' facility, infrastructure works and landscaping. In principle this Service would have no objection to the proposals but would ask that should the Committee be of a mind to approve this application suitable conditions be attached addressing the following matters:

1. That prior to commencing operation of the premises, a scheme capable of filtering, extracting and dispersing of cooking fumes, be installed within the premises to the satisfaction of this Service. That a system of regular maintenance for the aforementioned ventilation system be submitted, and agreed in writing, to the satisfaction of this Service;

2. As refuse from the proposed development will be by wheeled bins then we would ask that, in the interest of public hygiene, an adequate and suitable bin storage area be provided to the satisfaction of this Service;
3. A sufficient number of suitable litterbins are provided in the immediate area out with the premises in order to allow customers the opportunity to dispose of their litter responsibly
4. That service deliveries/uplifts to and from the premises be restricted to occur only between the hours of 7.00am – 7.00pm Monday to Saturday and 10.00am - 4.00pm Sundays.

### **Information & Advice**

- i. In order to protect the occupiers of the surrounding properties from any potential noise nuisance from proposed building works; such work should not occur:
  - [a] outwith the hours of 0700 –1900 hours, Monday-Friday inclusive;
  - [b] outwith the hours of 0800-1600 hours on Saturdays; and
  - [c] at any time on Sundays, except for works inaudible outwith the site application site boundary.

The applicant should contact this Service at an early stage and before construction work has started to discuss the proposed means of noise control.

- ii. With regard to refuse storage, I would ask that the applicant contact the Environmental Services of Aberdeen City Council in order to discuss the proposed location of the bin store, the number and size of bins required, and facilities required for storage of materials for recycling.

**Head of Housing & Environment**

# MEMO



ABERDEEN  
CITY COUNCIL

To	Jane Forbes Planning & Infrastructure	Date	08/06/2016
		Your Ref.	P160623 (ZLJ)
		Our Ref.	
From	Flooding		
Email	<a href="mailto:kagoodall@aberdeencity.gov.uk">kagoodall@aberdeencity.gov.uk</a>		
Dial	01224 52 2427		
Fax			

Flooding  
**Communities, Housing and Infrastructure**  
Aberdeen City Council  
Ground Floor  
74 - 76 Spring Garden  
Aberdeen AB25 1GN

**Planning application no. P160623  
Broadfold Road, Aberdeen  
Erection of fast food restaurant with associated 'drive-thru', infrastructure works and landscaping**

I have considered the above planning application and have the following observations:

ACC require a detailed DIA confirming the storage volumes of the water up to a 1:200 year event. Confirmation of the level of treatment provided.

Conformation that the site is not susceptible to both over land flow entering it and also overland flow exiting up to the 1:20 year.

Katy-Joy Goodall  
Trainee Technical Officer  
Structures, Flooding and Coastal

Pete Leonard  
Corporate Director





# MEMO



ABERDEEN  
CITY COUNCIL

To	Jane Forbes Planning & Infrastructure	Date	11/11/2016
		Your Ref.	P160623 (ZLF)
		Our Ref.	TR/GW/1/51/2
From	ACC Roads		
Email	roads@aberdeencity.gov.uk		
Dial	01224 522284		
Fax			

Roads Projects  
**Communities, Housing and Infrastructure**  
Aberdeen City Council  
Business Hub 4  
Ground Floor North  
Marischal College  
Broad Street  
Aberdeen AB10 1AB

## Planning application no. P160623

### Erection of fast food restaurant with associated 'drive-thru', infrastructure works and landscaping, Broadfold Road, Aberdeen AB23 8EE

I have considered the above planning application and have the following observations:

#### 1 Development Proposal

- 1.1 I note that the application is for a fast food restaurant with associated 'drive-thru' restaurant / takeaway development at Intown Road, Aberdeen. The proposed development has a Gross Floor Area (GFA) of 275m<sup>2</sup>.
- 1.2 The Supporting Technical Statement submitted with the application includes a detailed traffic survey conducted on the applicant's behalf. The survey specification was agreed following consultation with ACC Roads Development Management officers.
- 1.3 The survey observed the existing pattern of traffic movements associated with the takeaway sited on the southside of Broadfold Road adjacent to the applicant's location (McDonalds). The survey commented on the existing fast food takeaway's traffic generation, observed traffic queues and provided commentary on additional trip movements of the proposed takeaway.

#### 2 Proposed Development

- 2.1 I note that the current site is occupied by a vacant garage building with associated car parking. This site currently has no trip generation.
- 2.2 The junctions swept paths are shown in drawing A/16054 - 900. This includes vehicle profiles for private cars, rigid delivery vehicles and refuse vehicles which would serve the development. This is considered satisfactory by ACC Roads.

#### 3 Walking and Cycling

- 3.1 I note the existing accessible transport network surrounding the site has been considered.

Pete Leonard  
Corporate Director

- 3.2 The lack of suitable footway crossing points is of note around the junctions of Ellon Road, Broadfold Road and Intown Road. This is not conducive to safe pedestrian crossing movements in the area.

#### **4 Public Transport**

- 4.1 We note that the site is served by local bus operators at stops within 400m of the site.

#### **5 Road Network**

- 5.1 I note the proposed site is on the north side of Intown Road at the eastern end of Broadfold Road. McDonalds is sited opposite on the southside of Broadfold Road and is 20 metres from the A956 Ellon Road dual carriageway, a key district distributor road.
- 5.2 Broadfold Road, as part of an industrial area, has traffic management in place (double yellows – at any time restrictions) and experiences queues caused by illegal parking. The illegal parking is thought to be caused by demand for McDonalds.

#### **6 Development Trip Generation**

- 6.1 An explanation of the number of vehicles attracted to McDonlds site is that the site is 'overtrading' or achieving a greater amount of sales than similar sized takeaways in other locations.
- 6.2 Figures supplied for the trip generation of fast food takeaways shows the average number of trip movements which are likely to occur. This demonstrates the impact of a new facility attracts additional trips.
- 6.3 ACC have to consider the impact of these additional trips on the road layout. It is our view the additional 113 vehicle movements in the PM peak (16:15 – 17:15) and 179 movements during the Saturday peak (12:15 – 13:15) would have an effect on the existing traffic and add to currently observed queue lengths.
- 6.4 It has been argued the additional trips may be 10 and 22 two-way new vehicle trips during the PM and Saturday peak periods. It has been suggested in the Supporting Technical Statement the proposed takeaway will serve to improve congestion and queueing issues on Broadfold Road. ACC Roads Development Management's view is additional trips and vehicle manoeuvres will result in additional congestion and queue lengths.

#### **7 Queue Lengths and Congestion**

- 7.1 The evidence from the Supporting Technical Statement during peak periods confirms traffic does queue out of McDonalds site onto Broadfold Road. The survey did not observe vehicles queueing onto Ellon Road.
- 7.2 There are concerns additional traffic on the road network entering the new development will create queues on Broadfold Road eastbound and also create queues onto Ellon Road.

- 7.3 'Overtrading' at McDonalds is attributed to the location and nature of the local fast food market. It is suggested the proposed takeaway would assist in reducing the impact of McDonalds on the road network.
- 7.4 The report acknowledges additional trips to the Broadfold Road area will be created by the proposed takeaway. It is evident the number of trips generated on the network with the addition of a competing business would add to the volume of traffic.
- 7.5 The additional traffic generation will exacerbate the existing situation. This will result in longer queues in the vicinity of the junctions of Ellon Road / Broadfold Road / Intown Road / McDonalds takeaway.

## **8 Parking / On-street parking issues**

- 8.1 I note that ACC's Transport and Accessibility Supplementary Guidance (2012) indicates for drive through restaurants should be provided with 1 parking space per 10m<sup>2</sup>.
- 8.2 I note that 34 parking spaces are to be provided, of which 2 are for disabled users. The drive-thru is 275m<sup>2</sup> and 28 spaces would be appropriate. The amount proposed for the drive-thru is therefore an over provision of 6 spaces.
- 8.3 Parking bays should generally be 2.5 x 5.0 metres with a 6.0 metre aisle width between bays.
- 8.4 I note that 2 parking spaces for disabled users are proposed, this falls below the minimum requirement. Page 22 of the Supplementary Guidance details that for retail, leisure and recreation uses, 3 spaces or 6% of the total number of spaces in the car park or whichever is greater are to be provided.
- 8.5 Spaces for drivers with a disability should generally be 2.5 x 5.0 metres with a 0.9 metre strip between adjacent spaces to allow access for wheelchairs.
- 8.6 Broadfold Road has a significant amount of at any time waiting restrictions in place. The reason for introducing parking restrictions on an industrial estate road is to maintain access for heavy goods vehicles by preventing parking taking place which would inhibit movement. Parking demand in industrial estates is high enough to warrant parking controls.
- 8.7 The evidence of illegal parking on Broadfold Road at peak times indicates that the parking restrictions in place are not being observed. The effect of the rogue parking that occurs restricts the use of Broadfold Road.
- 8.8 This situation is not guaranteed to change with the introduction of additional parking spaces at the new takeaway.
- 8.9 The addition of the new takeaway car park and possible use by McDonald's customers may affect this level of illegal parking, however, the occupants of these vehicles would then need to cross the roadway on foot. There are no crossing facilities in place. The new takeaway car park being used by customers accessing the existing takeaway would increase the risk of pedestrian / vehicle conflict.

## **9 Conclusion**

- 9.1 Due to the above reasons I would object to the application. Given the applicant cannot effect change on the existing road layout there is not the opportunity to improve the existing junction arrangement. The existing junction arrangement functions with the existing traffic demands.
- 9.2 Increasing the number of vehicle movements by the addition of a new source of traffic generation at peak times of demand would result in additional queues. Queues which are likely to be formed will create a road safety risk for traffic using the A90 Ellon Road.
- 9.3 For the above reasons, ACC RDM would recommend the application be refused.

## **Roads Development Management**



Marischal college Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100011808-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Halliday Fraser Munro		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Halliday Fraser Munro	Building Name:	Carden Church
Last Name: *	Planning	Building Number:	
Telephone Number: *	01224 388700	Address 1 (Street): *	6 Carden Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 1UR
Email Address: *	planning@hfm.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Carden Church"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Carden Place"/>
Company/Organisation	<input type="text" value="Kemble Estates Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 1UR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="MANOR OAK PEUGEOT"/>
Address 2:	<input type="text" value="BROADFOLD ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB23 8EE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="810534"/>	Easting	<input type="text" value="394596"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

"Erection of fast food restaurant with associated 'drive-thru', infrastructure works and landscaping"

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see enclosed Appeal Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Appeal Statement, covering letter, and all application documentation

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

160623

What date was the application submitted to the planning authority? \*

16/05/2016

What date was the decision issued by the planning authority? \*

21/12/2016

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Hearing session is requested to examine key issues of employment land and existing traffic management locally.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site visit requested to assist in the understanding of the context of the site and surrounding uses.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No



## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Halliday Fraser Munro Planning

Declaration Date: 19/12/2016



# Planning Appeal Statement

**APPEAL TO THE ABERDEEN CITY COUNCIL  
LOCAL REVIEW BODY**

**PROPOSED FAST FOOD RETAIL UNIT  
SITE 44, BROADFOLD ROAD  
ABERDEEN  
AB23 8EE**

**DECEMBER 2016**

On behalf of Kemble Estates Ltd

**Halliday Fraser Munro**

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**PLANNING APPEAL TO ABERDEEN CITY COUNCIL LOCAL REVIEW BODY UNDER SECTION  
47 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008**

**APPEAL AGAINST REFUSAL OF PLANNING PERMISSION (REF: 160623)**

**BY**

**ABERDEEN CITY COUNCIL**

**FOR**

**THE ERECTION OF A FAST FOOD RETAIL UNIT**

**AT**

**SITE 44, BROADFOLD ROAD, ABERDEEN**

**ON BEHALF OF**

**KEMBLE ESTATES LTD**

## TABLE OF REFERENCES

REFERENCE	TITLE
LRB1	Supporting Statement HFM
LRB2	Brand Standards [ <b>CONFIDENTIAL</b> ]
LRB3	Broadfold Garage Marketing (2009)
LRB4	Broadfold1 Marketing (2012)
LRB5	Ryden 79th Property Review October 2016
LRB6	Knight Frank Office Activity 2016
LRB7	Industrial Commentary
LRB8	Savills Scottish Spotlight
LRB9	160067-Committee_Report
LRB10	Employment Land Audit 2014/15

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## EXECUTIVE SUMMARY

This Appeal has been lodged against Refusal of Application 160623 lodged in May 2016, and refused under Delegated Powers on 21st December 2016. An extension of time was agreed on 29th July 2016 for three months (29th October 2016). This extension was agreed after the statutory determination deadline due to a delay in the submission of statutory consultee comments and was required in order to allow the Applicant to provide further technical information requested by that statutory consultee.

Aberdeen City Council Planning Service expressed that the proposed development would be considered contrary to policy due to the site's location in a Business & Industrial area. We disagree with that interpretation of the planning policies, and maintain that under Section 25 of The Town and Country Planning (Scotland) Act 1997 that there are sufficient material considerations to merit an appropriate Departure from policy in any case. The material considerations are summarised in the following points and are explained in further detail in the following sections of this report;

- The site, a **former car showroom**, has been marketed since 2009 with no material interest;
- Planning consent was obtained in 2012 for Commercial use on the site in line with the Local Development Plan and has been marketed as such since 2012, with **no market interest**. An investor has now come forward with an interest to develop a Fast Food restaurant on this site;
- The site is zoned as a B11 area in the LDP. Policy B11 **does allow for different use types** to be located in these areas;
- The proposed development will **serve one of the largest employment areas in the City** as well as attracting passing trade;
- The proposed use is committed to **creating new employment** (up to 50 jobs), career development opportunities, and community benefits (see enclosed documentation LRB2);
- The site is located next to an existing Fast Food restaurant and is on an arterial route, similar to most other drive-through restaurants in Aberdeen;
- The proposed access and traffic arrangements are adequate. The ACC Roads response is based on the neighbouring restaurant's customers parking and waiting illegally. This is a roads enforcement issue and **not a planning issue**. The previous site (car showroom) had parking provision for around 40 vehicles, similar to what is proposed currently and the previously approved commercial use has 54



Parking spaces associated with it. Traffic impact is therefore of a similar scale to that already approved;

- The site does not generate an unacceptable level of traffic as suggested in the Decision Notice. A Green Travel Plan can be negotiated with the Planning Authority if this is preferred;
- A drive-through coffee shop was approved this year (Application: 160067) in a similar 'Business and Industrial' area (Makro, Wellington Circle) as a suitable Departure to policy;
- The Development Management procedure allowed for no opportunity to explain the proposals, and the **material considerations lodged as a planning justification were not acknowledged** in the officer's expressed opinion;
- This site was last used as a semi-retail use, not Office/Industrial development. The size of the site (0.25 hectares) represents **0.001%** of the City's total employment land supply (280 hectares in total) and its loss would **not have any impact at all on the City's employment land supply**.

## 1. INTRODUCTION

- 1.1 This Appeal to the Local Review Body has been made on behalf of Kemble Estates Ltd, in relation to the planning application (reference: 160623), at Broadfold Road, Aberdeen. We request this Appeal be heard by members of the Local Review Body as a result of a decision of refusal.
- 1.2 The application was subject to informal Pre-Application Advice from Aberdeen City Council during February-April 2016. Advice was requested due to the site's location within a 'BI1: Business & Industry' zone within the Aberdeen Local Development Plan (2012) (see Section 3 of this Report). Advice at that time was that the proposals would be contrary to Policy BI1, and would require supporting marketing evidence to justify the proposals. This was lodged with the application as requested. Pre-Application comments from the Aberdeen City Council Roads Projects Team were that the proposed site layout was acceptable, with no anticipated impact from queuing on the adjacent road, and that a Transport Statement with swept path analysis would be required to accompany a planning application. Again, these were lodged with the application.
- 1.3 The planning application was submitted on 16th May 2016, and was determined on 21st December. Additional supporting information was requested by the Council's Roads Projects Team on 19th July. This information was requested after the statutory (2-month) determination period had passed, therefore an extension to the determination deadline was agreed with the Case Officer on 29th July for three months in order to undertake this additional work.
- 1.4 This Appeal Statement, prepared by Halliday Fraser Munro, provides a summary of the proposals, a review of the relevant planning context and other material considerations to demonstrate to the Local Review Body that the proposed development is justified. Section 25 of The Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in line with the Development Plan, unless material considerations indicate otherwise. We believe that the policies in this case do allow for the type of development being proposed, and even if not, that material considerations strongly outweigh the policy provisions. We request that Members of the Local Review Body examine these material considerations in light of the information provided.
- 1.5 The original Supporting Statement provided with the planning application contains a more detailed planning analysis and should be read in conjunction with this Statement (see LRB1).
- 1.6 The application has been refused as it: isn't considered to be an 'employment use' (though it clearly generates employment, see LRB2); is not considered ancillary to employment use (though it will serve the employment area); on traffic and active travel grounds (traffic is not an issue in respect of this application and evidence has been lodged in respect of active travel); and that no material considerations have been identified to outweigh policy. It is this last reason which is probably the most contentious. The Applicant has spend around 8 years and a considerable amount of money

promoting this site for employment use and this evidence, as well as that of the longstanding active marketing of the site, has been provided as part of the application. There is therefore very strong material evidence available to support this application which has not been acknowledged by the Planning Service.



Fig 1: Site location

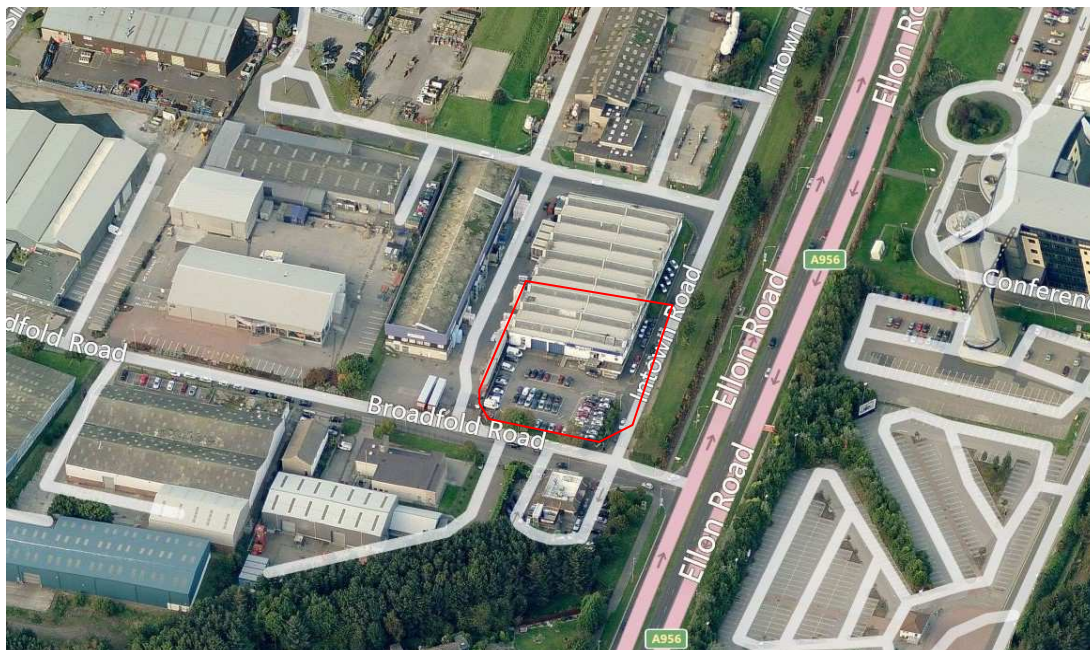


Fig 2: Aerial showing previous use (courtesy of Bing Maps)

**2. PROPOSAL**

- 2.1 Application 160623 seeks full planning permission for the erection of a hot food retail unit on Site 44 of Bridge of Don Industrial Estate (Fig 3). The proposed fast food unit would have associated landscaping, a drive-through lane, outdoor seating, car parking and drive-through waiting bays (Fig 3).
- 2.2 The restaurant has a proposed Gross Floor Area of 275 sqm (excluding Plant Area) typical of a drive-through fast-food restaurant of this size. Car parking is provided; 39 spaces and 2 disabled.
- 2.3 Daily food deliveries and waste collection would be typical with fast food restaurants of this scale and type. Consistent with many contemporary fast food restaurants, the restaurant is proposed to be open 24-hours.
- 2.4 Proposed landscaping arrangements aim to retain existing boundary planting wherever possible, and additional planting to be in-keeping with the scale and type of development; i.e. grass and low lying shrubs/bushes.
- 2.5 The car park will be accessed from a single junction to the east from Intown Road and will operate a 'one way' loop entering the drive-through to the west, or circling the central parking bays back to the exit. Supplementary technical reports have been prepared by Cameron & Ross Engineers to examine transportation and drainage, and accompany the planning application package.

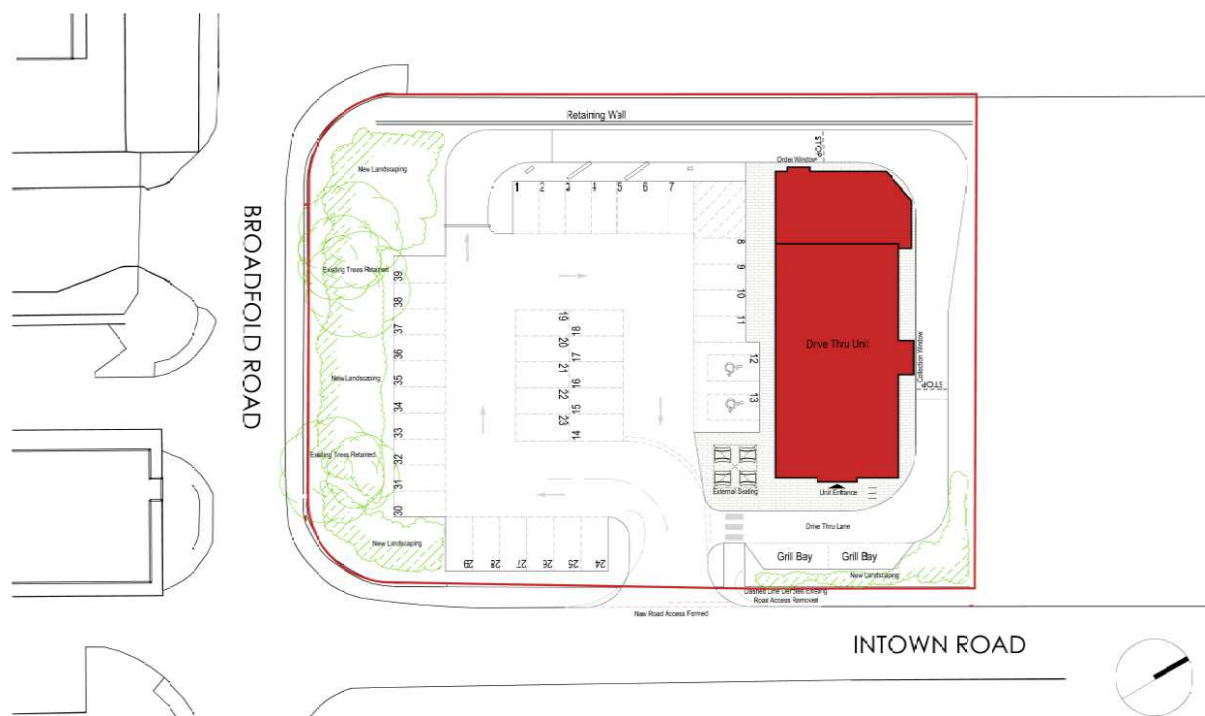


Fig 3: Site plan (proposed)



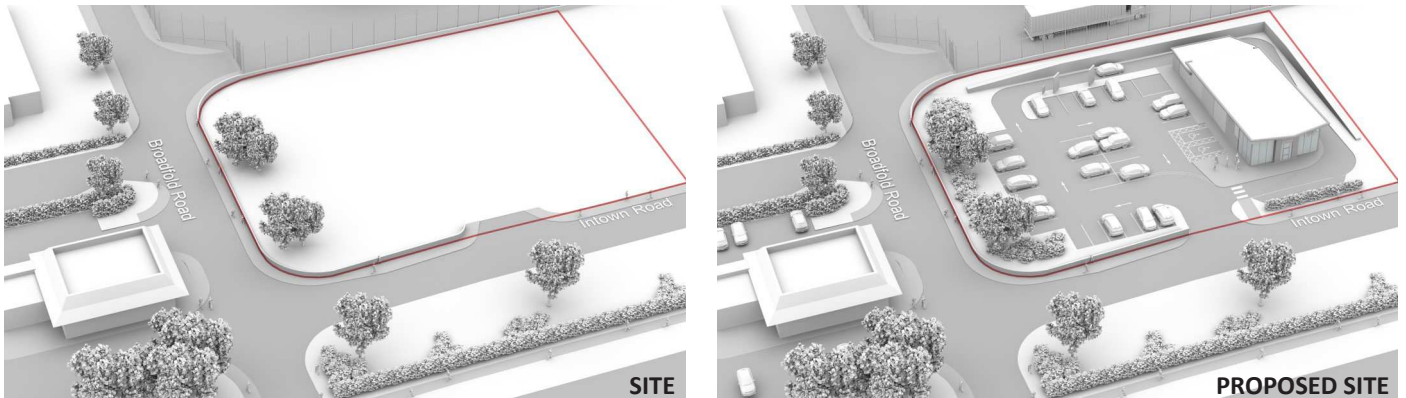


Fig 4: The application site is currently vacant following the demolition of the previous car showroom that occupied the plot. The site is surrounded predominately by mixed uses, with a McDonalds drive-through restaurant occupying the land directly to the south. The proposed site layout attempts to be as sympathetic as possible to the existing site topography and existing access points. The proposed building is therefore located to the northern edge of the application site.

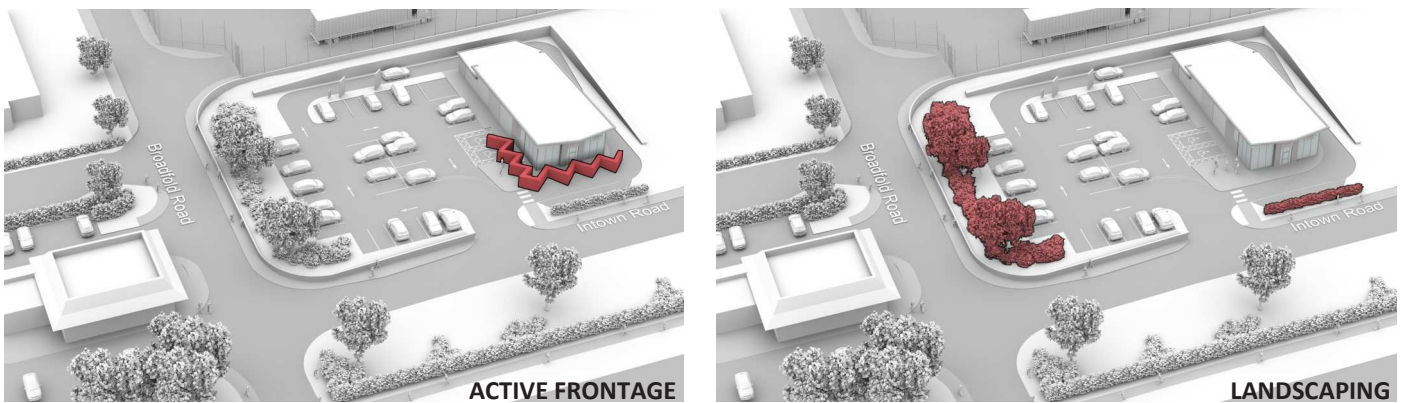


Fig 5: The location and orientation of the proposed building has been determined by the visibility of the site, and the desire to provide an 'active frontage' to Broadfold Road, Intown Road and the A90 beyond. The building will contain a seated restaurant, and as such will provide an opportunity for glazing to be incorporated within the elevations. The glazing will therefore be formed on the eastern/southern elevations providing visual interest and activity to the building's most prominent corner. The site currently benefits from mature landscaping along the edge of the A90, softening the views into the site while providing a better view out of the proposed restaurant. There is also existing landscaping along the southern boundary of the application site, which will be retained/strengthened, while the eastern boundary will receive low level planting.

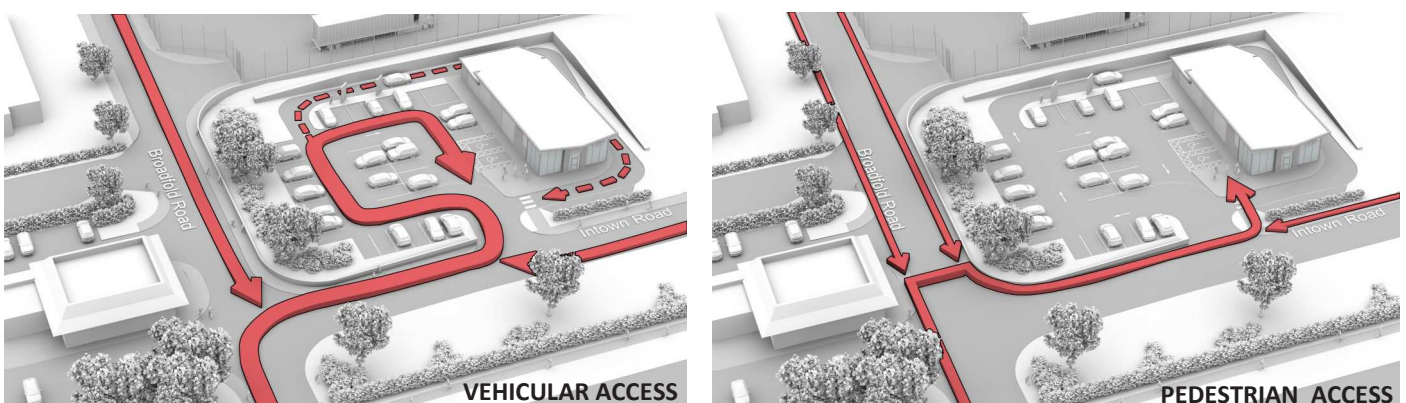


Fig 6: Vehicular access is sufficient for vehicles accessing the site, avoiding potential conflicts with traffic on Broadfold Road. The single junction accessing the site provides for both access and egress, with priority being given to vehicles accessing the site to avoid potential issues with queuing vehicles. The circulation within the site is proposed in a clockwise rotation to further assist with circulation/stacking to the drive-through lane. There is ample pavement/footpath provision around and within the site. The inclusion of a pedestrian crossing within the site assists in creating a safe pedestrian route from the surrounding footpath network.

### 3. PLANNING ANALYSIS

#### *Negotiations with Planning Authority*

3.1 Aberdeen City Council Planning Service advised on 22nd July 2016 (after the statutory determination date) that the proposals were contrary to Policy BI1 and would not be supported, advising that the proposed development would result in the 'loss of a business/industrial use for the site'. The decision notice issued on 21st December refuses the proposed development as it would;

- *"Introduce a 'bad-neighbour' development to the site"*

Fast-food restaurants are only regarded as 'bad neighbour development' in The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (Schedule 3), however this is not valid a reason to refuse such uses.

The Aberdeen LDP states (paragraph 3.30) that such uses "should be located so that they do not adversely affect the amenity of adjoining users". The site is bound by roads on three sides and a Class 5/6 Use which has a yard area. Policy BI1 also states that they should be "located together" - this site is located next to an existing McDonalds restaurant and is therefore an appropriate location for this type of use;

- *"...not be delivering a use designed to **primarily** meet the needs of businesses and employees area"*

Policy BI1 states that the use should primarily meet the needs of this area, but not exclusively. It would be unreasonable to make the above assumption as Monday to Friday trade is likely to be largely composed of trade from employees/ businesses of the surrounding area;

- *"...generate additional traffic, thereby exacerbating **existing congestion** in the vicinity of the site"*

This issue is further discussed later in this Report (see paragraph 4.13), however we maintain that this is not a valid reason to refuse this application as it is based on the mismanagement of traffic from a neighbouring use, not the proposed development;

- *"...fails to comply with the requirements of **Policy BI1 (Business and Industrial Land)** of the Aberdeen Local Development Plan"*

Our full justification of compliance with Policy BI1 is discussed throughout this Report (see paragraph 3.5);

- *“...be contrary to **Policy T2** (Managing the Transport Impact of Development) and **Policy D3** (Sustainable and Active Travel) as the proposals neither demonstrate sufficient measures have been taken to minimise traffic generated or that it has been designed to minimise travel by private car / encourage active travel”*

We contend this point firstly as the level of traffic generated by the site is no different to any other proposal of its kind, and secondly the original Supporting Statement (see LRB1) and transportation information by ECS Transport Planning Ltd both contain ample detail of the site’s accessibility by foot, cycle and bus.

The Roads Team’s consultee response explicitly mentions the neighbouring restaurant’s overtrading and the impacts on the road network. It’s worth noting that a planning application was lodged to Aberdeen City Council on 21st December 2016 for alterations to the drive-through configuration (Reference: 161776/DPP). One of the key purposes of that application is to manage the drive-through traffic more efficiently. In their design and access statement they state that the application is to “... improve the overall operation of the drive thru lane.” and that “Historically the drive thru operation has been managed on an ad hoc basis ...” . They go on to state “The intention of the alteration of the existing parallel process is to streamline and formalise the ordering process during peak trading times ... This will also assist in reducing the length of the potential queue, by increasing the speed of preparing the orders and thus reducing congestion within the site during those busy periods”. This confirms that the inefficient operation of a neighbouring use and that, if approved, the improvements in operation expected at this location. We contend that the ad hoc nature and lack of enforcement of illegal parking or waiting is not relevant to the application subject to this appeal but McDonald’s planning application should give some comfort that the situation is likely to improve.

Active Travel is an available option for customers and staff alike through the availability of good footpath, cycle path, and bus links. There is no dedicated staff parking which discourages use of private car; furthermore the nature of the workforce to be employed at the restaurant (mostly young people, potentially school leavers with some part-time workers) would suggest that car ownership is low, and brand statistics show that most employees live within 2 miles of the restaurant (see LRB2).

A Green Travel Plan could be negotiated with the Planning Service had this opportunity been presented during the consideration of the application.

- *“there are no material considerations identified that would outweigh the above policy position or justify approval of the application”*

We simply do not agree that there are no material considerations that affect the policy justification of this planning application. Marketing evidence supplied within the original application (see LRB1).

- 3.2 The Planning Service declined several requests to meet during May to November 2016 to discuss the proposed development and particularly the material considerations that we believe are central to any decision making process. The marketing information is particularly important in that respect as it shows the clear lack of interest in employment type uses for this site.

13th June	Email to Case Officer to offer the provision of further information to resolve Community Council query
21st June	Meeting requested with Case Officer
7th July	Update + meeting requested with Case Officer
14th July + 19th July	Update requested from Case Officer regarding Roads Team comments
22nd July	Case Officer provides Roads Team comments requesting further information and that Planning Service unlikely to support proposed development due to conflict with Policy B11
29th July	Extension to determination deadline agreed to undertake further transport surveying (3 months) which cannot be undertaken in School Holiday period
20th October	Voicemail left for Case Officer regarding Transportation Survey
21st October	Transportation Survey lodged with ACC Roads Team
25th October	Brand standards provided to Case Officer and meeting requested (see LRB2)
9th November	Update requested from Case Officer regarding Roads Team comments
14th November	Meeting requested with Case Officer
16th November	Roads Team comments published and Case Officer provides view of proposals and that Delegated Report is being prepared for refusal based on the same. Advised that decision was to be issued in approx. 2 weeks
29th November + 6th December	Updates requested from Case Officer
13th December	Case Officer confirms Delegated Report is still being prepared.
14th December	Team Leader (North) confirms Officer's Report is still being prepared.



Brand information (see LRB2) was provided on 25th October following these failed attempts to meet, these outline the key social and employment commitments of the proposed operator and are summarised as follows;

- each store is expected to generate 45-50 new jobs; including management and team leader roles as well as general team member roles. On average 63% of existing employees live within 2 miles of the restaurant they work in, and of that total, 24% live within 1 mile;
- target to match 25% of new jobs to local, unemployed young people who need additional support to work;
- offer a range of training and accredited qualifications, these include the intermediate and advanced NVQ apprenticeship in hospitality management and even a 3 years honours degree for some restaurant managers;
- actively manage litter around every restaurant and aim to pick litter up to 4 times a day;
- operating to the highest health and safety standards, aiming for a 5 out of 5 star rating.

The supplementary information provided in relation to marketing evidence, viability, and other material considerations has never been acknowledged during the consideration of the application. We aren't confident that the extent and strength of that supporting information has been fully considered yet in this planning application process.

- 3.3 Section 25 of The Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in line with the Development Plan, unless material considerations indicate otherwise. We maintain that several material considerations outweigh the policy justification in this case i.e. the most recent use as a sui generis car sales and repair garage, the clear lack of market interest and the fact that any implied roads issues are occasionally created by road users parking or waiting illegally when visiting a neighbouring use. The latter is not a planning issue and could be easily overcome by implementing the appropriate enforcement of existing regulations.

### ***Aberdeen Planning Policy***

- 3.4 The Aberdeen Local Development Plan (LDP) is prepared by Aberdeen City Council, and sets out planning policies in which planning applications are considered against. The LDP also provides site-specific allocations and associated guidance. The LDP contains several relevant policies of relevance to this planning application.

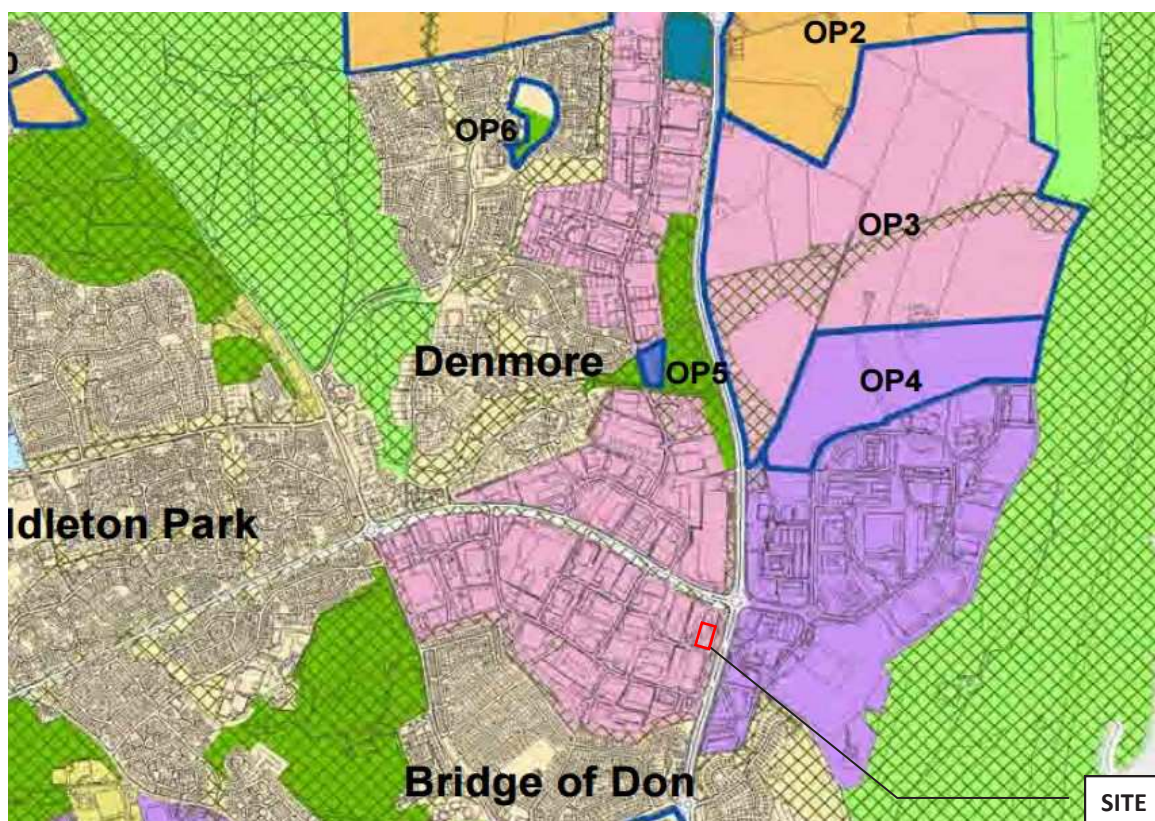


Fig 7: Location of site within LDP 2012 Proposals Map

3.5 The application site sits on the edge of an area of land zoned as 'B11' (Fig 7). The associated policy, Policy B11: Business and Industrial Land, is therefore the primary policy when considered with a planning application. Policy B11 states that;

- *"Ancillary facilities that support business and industrial uses **may be permitted...***

This indicates that ACC should consider proposals for other uses in Business/Industrial areas. The policy position therefore would allow for the proposal in principle.

- *...where they **enhance the attraction and sustainability** of the city's business and industrial land."*

The site has been vacant for a number of years. New development will increase the attractiveness of this frontage which acts as an entrance to this Industrial Estate.

- *"Such facilities should be aimed **primarily** at meeting the needs of businesses and employees within the business and industrial area."*

Primarily, but not exclusively. Whilst the proposed Use will appeal to the surrounding businesses, passing trade will also be served as well as the wider employment areas to the north and north east.

- *“Bad neighbour uses should either be **located together** in single industrial areas or within one part of a larger estate.”*

The site is located adjacent to an identical use but this part of the policy is more appropriate to noisy or odorous industrial uses.

The fast food unit, to be operated by a popular brand, will provide a valuable service to people working in, visiting, and living near, the Industrial Estate. We suggest therefore that there is scope, to allow this development to be accommodated within the Industrial Estate under Policy BI1.

- 3.6 The application site is adjacent to a 'BI2' area ('Specialist Employment Land'). Policy BI2 again states that uses which are ancillary to the needs of businesses and employees will be permitted. Evident in Fig 7, the site is located within one of the City's largest employment areas.
- 3.7 Supplementary Guidance 'Harmony of Uses – Residential, Licensed Premises and Commercial Uses' discusses acceptable circumstances for the development of hot food takeaways, which this development is partially categorised for the purposes of this assessment. The Supplementary Guidance does not provide specific advice for proposed development within commercial/ industrial areas, simply within residential or city/town centres. The nearest residential area to the application site is around 200 metres south of the Bridge of Don Industrial Estate, and would therefore not be adversely impacted by development. There is also an existing restaurant closer to these houses. This issue has never been raised as a concern by consultees and the proposal can be considered entirely in line with this policy.
- 3.8 Although there are no policies dedicated to the development of brownfield land, the LDP contains guidance of how these sites are favoured for their significant benefits to sustainable development; “regenerating areas, remove local eyesores, bring land and buildings back into effective use and reduce the need for car based travel” (LDP paragraph 2.13), in line with SPP and the SDP. The development is clearly in line with this aim.
- 3.9 Planning policy concerning sustainable transport lies within Policy D3 - Sustainable and Active Travel. Supplementary Guidance associated with Policy D3, 'Transport and Accessibility', advises that for Drive-Through restaurant development, one parking space per 10sqm of development should be provided (SG, page 20). With a floorspace of 275 sqm and 37 parking spaces (plus two disabled), the proposal is therefore in line with Aberdeen City Council standards. Furthermore, the Council's Roads Projects Team agreed that the site layout is appropriate and would avoid 'stacking' outside of the site for this particular development. Transportation matters will be further discussed later in this Statement.
- 3.10 The next LDP for Aberdeen is anticipated for adoption in early 2017. Aberdeen City Council's Proposed LDP (PLDP) was published in 2015 and has now been agreed by Full Council. It represents

the 'settled view' of the Council for planning policy in the next LDP cycle, and is therefore a material consideration in any forthcoming planning applications.

3.11 Within the PLDP, the land allocation remains as B1 for Business and Industrial Land. The associated policy, 'B1: Business and Industrial Land' states;

- "[Classes 4, 5 and 6] are safeguarded from other **conflicting** development types."

The proposed Use should not be considered a 'conflicting' development type as it would not hinder the operation of existing Class 4, 5 and 6 Use.

- "*Other uses which **may be suited** to a business and industrial location ... shall be treated on their own merits.*"

The site was formerly a car showroom and still has Use Rights for this development type, however it has been demonstrated that the site is unsuitable for this Use and those associated with Classes 4, 5 and 6. We maintain that the proposals have not been assessed on their own merit during the Development Management process to date.

- "*The **expansion of existing concerns and uses** within these locations will be permitted in principle*"

There is an existing restaurant adjacent to the application site; the principle of expansion of this Use (as proposed) must be considered. Paragraph 3.58 of the PLDP further emphasises that ACC will support provision of complementary Uses already present within Business/Industrial areas, where appropriate.

- "*Low amenity 'bad neighbour' uses must have **regard to surrounding uses** and their potential impact on the environment and existing amenity*."

The definition of 'bad neighbour uses' is defined in paragraph 3.59 of the Proposed LDP and is not relevant in this case.

3.12 The proposed fast food development would not conflict with existing Class 4, 5 and 6 uses in the area, but would support them by providing additional facilities and choice. The existing fast food restaurant adjacent to this site provides a precedent for this type of use in this location. The development would not be detrimental to surrounding neighbours' environment or amenity.



## 4. SUPPORTING JUSTIFICATION

### *Market Evidence*

- 4.1 In line with Policy BI1, the LDP zones the site principally for Business & Industrial uses (i.e. Use Classes 4, 5, 6). The proposed development has come forward as a result of a lack of market interest for these types of Uses. The proposal site is located on a part of the site previously, and most recently, used as a car showroom. This semi-retail use has not been extinguished as no other uses have been implemented on the site. This is despite planning consent and marketing for commercial/industrial use (see below). Therefore, there will be **no loss of employment land** from this site as a result of the proposed development.
- 4.2 The site, which comprised a car showroom and workshop building together with external yard area, has been marketed by Mark Halliday & Co. since late 2009 when the operating dealership, Manor Oak, went into administration in October 2009. Marketing materials were supplied with the original planning submission, as welcomed by Aberdeen City Council, and are appended to this report (see LRB3).
- 4.3 Marketing of the site continued throughout 2010; Mark Halliday & Co. were advised by various potential car franchise occupiers that the site was unsuitable due to;
- Modern operator requirements, particularly site size;
  - Location - the greatest concentration of car showrooms are located to the south and west of the City and not the Bridge of Don area; and
  - Style/condition of the existing building - the building was outdated and remained unoccupied, leading to it falling into disrepair through 2011.
- 4.4 In May 2012, the appellant sought planning permission (Application Ref: P120633) for the erection of a industrial/ commercial unit. This was granted in July 2012, and extensive marketing of the site with this planning permission commenced (see LRB4). The building remained in a dilapidated condition and the maintenance and repair became financially unfeasible to upkeep. The appellant therefore took the decision to demolish the building in November 2013 , and the site has remained cleared since. Marketing for the site has continued, but with no definitive interest.
- 4.5 Market analysis in Aberdeen indicates that new Class 4,5 and 6 Uses are being located within new business parks/ industrial areas. These areas have been allocated in new developments the outskirts of the City, rather than within declining traditional industrial areas. Such sites around the City are becoming increasingly vacant.
- 4.6 Ryden's Scottish Property Review (October 2016, LRB5) shows that Office space take up in the last six months has risen, however 78% of these deals were for Grade A / modern suites (page 9, see Fig 8).

Industrial take-up in the last six months for small units (below 464 sqm) is **down by 40%**. Supply has therefore risen by 55% in all size ranges, but most notably in the 186 – 464 sqm size band (page 13, LRB5).

- 4.7 Knight Frank’s Office Market Activity Report (Spring 2016, see LRB6) states that demand in Aberdeen fell sharply in 2015, and availability of Office space increased to 1.83m sqft, which is the highest recorded level. The Logistics and Industrial Commentary (2016, see LRB7) finds that demand and supply of industrial sites are in ‘relative equilibrium’ in Aberdeen, therefore no additional significant demand can be concluded.
- 4.8 Fig 9 shows Savills’ evidence of the low take-up in Office space in Aberdeen (May 2016, see LRB8), which is considerably lower than Edinburgh and Glasgow (Spotlight Scottish Office Market, May 2016).
- 4.9 In light of the above market research, it can be concluded that there has been declining market interest for the Office and Industrial Use (in line with the Aberdeen LDP designation) in this type of area, and in Aberdeen in general. This is especially the case in traditional industrial areas such as Bridge of Don Industrial Estate. As a result the **likelihood, in general, of securing employment use on this site is highly unlikely**. This point has been proven through the supporting information (LRB1) provided with the planning application. We do not believe that the Case Officer has fully considered this key information in their discussions with us as the agent.

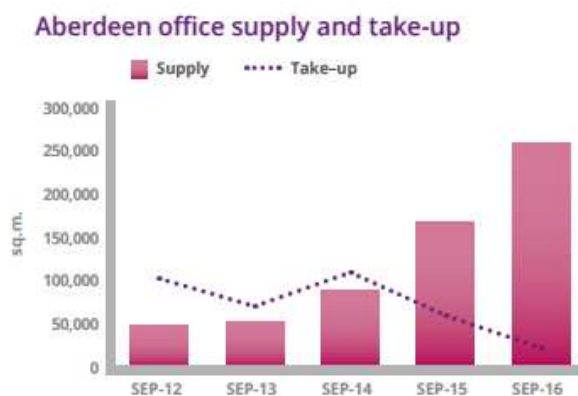


Fig 8: Ryden Property Review (Oct-2016) Office supply / take-up

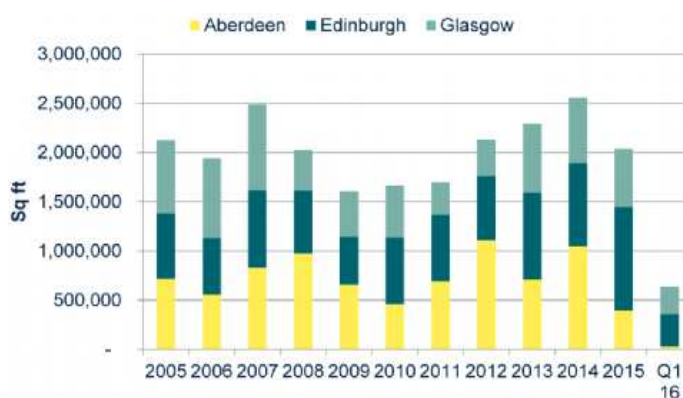


Fig 9: Savills' Office Take-up Rates by City

***Aberdeen Drive-through Restaurants***

- 4.10 There are relatively few drive-through restaurants around the City, however there is a clear pattern that fast food restaurants (both with and without 'drive-through' facility) are usually located near a main road and adjacent to 'mixed uses' such as retail, business and industrial areas to attract the visitors and employees of these areas (i.e. linked trips as well as passing trade). This would therefore suggest that the application site is an appropriate location to develop a fast-food unit. Drive-through restaurants are shown below;

<b>OPERATOR</b>	<b>LOCATION</b>	<b>NEARBY ROAD(S)</b>	<b>LDP ZONING</b>
McDonald's	Bridge of Don Industrial Estate	A90	BI1 Business/Industry
McDonald's	Bucksburn	A90/ A96/ A947	H2 Mixed-Use
Burger King	Beach Retail Park (east)	A956	NE3 Urban Green Space
Burger King	Altens, Wellington Circle	A956	BI1 Business/Industry
Domino's Pizza	Balnagask Retail Park	A956	BI1 Business/Industry
KFC	Haudagain Retail Park	A90/ A96	H1 Residential
Starbucks	Altens, Wellington Circle	A956	BI1 Business/Industry

***Site Context***

- 4.11 Bridge of Don is one of the largest suburbs in Europe, with a population reaching almost 23,000. The potential 'catchment' therefore encompasses a large area of the city.
- 4.12 There are over 7000 new homes allocated for development in this part of Aberdeen, with business land also allocated for development on the opposite side of the A90 Ellon Road. This development could provide a new restaurant to these residents and employees, in addition to contractors working on the construction of the sites. There will also be the existing established customer base within one of the largest employment areas of the City as mentioned previously.
- 4.13 The Council's Roads Team have expressed concerns in relation to 'over-trading' at the adjacent McDonald's unit, which occasionally leads to illegal parking and queueing of vehicles out of the car-park and onto Broadfold Road at peak times. We requested sight of the conditions related to the McDonalds consent from the case officer in relation to access but these have not been forthcoming. Regardless, it is clear that McDonalds is operating in such a sway that encourages illegal parking and waiting. This is an **enforcement issue and not a planning issue**. The Council should be enforcing

these parking restrictions to allow the safe use of an existing distributor road for the whole industrial area. Cameron & Ross Consulting Engineers and ECS Transport Planning Ltd prepared transportation justification for this proposed fast-food unit during August 2016, and suggested that the proposed car-park could be utilised for linked trips to both restaurants, and that there may be leakage from the existing restaurant to the proposed; both solutions would lead to less queuing at McDonald's. Sections 6 and 7 of the ACC Roads consultee comments (dated 11th November 2016) for Application 160623 imply that the site is constrained as a result of a neighbouring development's over-trading and associated illegal parking. This is entirely unreasonable in planning terms. Dealing with illegal parking at this location is not just important for this proposal but also for the whole of the Bridge of Don Industrial Estate.

### ***Recent Planning Decisions, Aberdeen***

- 4.14 PPA-100-2070 was allowed by Scottish Government Reporters in August 2016 for the demolition of existing business and industrial buildings and the construction of flatted residential units at Abbotswell Road, Aberdeen. The site is located in a B11 area, similar to this application site, but is 1 hectare in size—four times the size of this site—and proposes 100 residential units.
- 4.15 One of the reasons that the Appeal was upheld was that the site was not regarded as 'strategically important' for the delivery of business/industrial units by the Reporter. Furthermore, the 'proximity of adjacent land uses' was a contributing factor, whereby the proposed use was 'inherently more compatible' with the surrounding - in this case residential. Lastly, it was concluded that the proposed departure from Policy **would not** 'have any bearing on the deliverability of the long term strategy of the adopted LDP'.
- 4.16 The relatively modest departure to Policy B11 in that case did not present any impact on the emerging Aberdeen LDP. We draw similarities from this Appeal case study in this Appeal, albeit for a different Use. The proposed development presented in this Appeal is of a modest scale, and would not impact upon on the City's employment land supply or the nature of the area in general. The consented unit (Starbucks drive-through) is proposed 184sqm in size, the proposed fast food drive-through at Broadfold Road is 275sqm; both are small scale units.
- 4.17 A second case study is the approval of a drive-through coffee-shop at Makro, Altens (P160067). This was approved in April 2016 as a suitable Departure to LDP policy. The Case Officer recommended Approval of the proposals, stating in the Committee Report (see LRB9) that;
- "Given the relatively small scale of the proposals at 184 square metres, it is not considered that the development proposals would jeopardise the existing or future operation of the business and industrial land... It is considered that the catchment for the proposal would largely serve the*



*immediate area. However, in light of its location alongside a main arterial route in/out of the city it has the potential to attract passing trade ” (page 6).*

This is sufficient evidence to prove that similar development is occurring in similar locations elsewhere in the City (see paragraph 4.10) and that the City Council is approving small-scale development of this type in existing employment areas.

## 5. SUMMARY

- 5.1 The proposed fast-food unit will enhance the Food & Drink choice of this type in a highly accessible part of the City. The presence of another similar, successful unit (McDonald’s) suggests that this is an appropriate location for this Use.
- 5.2 In terms of accessibility, the site is in a prominent location adjacent to the A90 Ellon Road and is highly accessible by car and well-served by public transport as evidenced in the original supporting statement (see LRB1). There are also paths suitable for walking and cycling up to and around the site and surrounding businesses. This accessibility is not only key to attracting customers of all nature (i.e. passing trade and linked trips), but also for ‘passing by’ trips into or out of the city to other destinations, and for the benefit of future staff at the proposed restaurant. The Council’s Road Projects Team provided no objection or concerns to the proposed scheme in principle at Pre-Application stage.
- 5.3 Traveling northbound on this portion of the Ellon Road from Aberdeen City Centre, a variety of uses are visible, including residential areas, a bank, the AECC and hotel as well as the existing fast food restaurant. The area to the west, behind the frontage onto the A90 is more business/industry orientated. There would be no conflict with such uses as a result of the site’s location on the edge of this mixed-use Industrial Estate.
- 5.4 The application site has lain vacant for a number of years, and the appellant has presented an opportunity to bring the site back into a viable use. The economic and community benefits outlined in supporting documentation further emphasise the opportunity to deliver valuable development on the site.
- 5.5 The site gained planning consent for commercial/industrial use but this Use has not been implemented on the site due to no market interest. As a result the site’s former use as a car showroom has not been extinguished. In any case, Aberdeen City has an established employment land supply of 280 hectares (Employment Land Audit 2014/15 (2016), see LRB10) of which this site is 0.25 hectares (i.e. just **0.001%** of the total employment land supply). 71ha of this supply is ‘immediately available’. The implied loss of this land for non-employment use will make no difference to the overall employment land supply. Indeed, given its previous use as a car showroom

it's arguable that it should even be considered employment land in the first place. We'd also suggest that the employment generated by the proposed development will be greater than the previous use and have a wider ranging inclusive social impact as a result of the operators employment and training aims (see LRB2).

- 5.5 The Bridge of Don Community Council submitted a holding objection to the planning application on 6th June 2016, primarily on the basis of transportation and littering concerns. These matters were addressed through the provision of supplementary information to the Planning Service in the form of a Transportation Statement and documentation on the operator's brand standards.
- 5.6 The appellant and agent have been denied an opportunity to discuss the proposals with the Planning Service, despite ample supporting justification for the proposed development as a suitable departure to Policy. We therefore maintain that the material considerations have not been considered fully, as yet.

## 6. CONCLUSION

- 6.1 Policy BI1 of the LDP suggests a preference for business and industrial development in the designated areas, however there is flexibility within the Policy to include associated ancillary uses within such areas. Other drive-through restaurants around the City are in similar circumstances within mixed-use areas as well. The site's former use as a car showroom is neither Class 4, 5 or 6 and so there would effectively be **no loss of employment land** as a result of this proposed use.
- 6.2 Pre-Application discussions with Aberdeen City Council Planning Service suggested that marketing evidence should be required to demonstrate that business/industrial use is no longer appropriate for the site. This was submitted with the original planning application, but has not been given due weight during the application process.
- 6.3 Section 25 of The Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in line with the Development Plan, unless material considerations indicate otherwise. We maintain that there are several strong material considerations that support this proposal: the most recent non-employment use as a car showroom being semi-retail use located in this 'Business & Industrial' area; the presence of an existing fast food restaurant; the mixed-use commercial nature of the area; marketing evidence and research showing a clear lack of interest and demand; as well as recently approved case studies, which all present ample justification for this development at Broadfold Road.
- 6.4 We therefore respectfully request that the Aberdeen City Council Local Review Body consider the evidence and choose to uphold this Appeal.





# Planning Support Statement

**PROPOSED FAST FOOD RETAIL UNIT**

**SITE 44, BROADFOLD ROAD**

**ABERDEEN**

**AB23 8EE**

**MAY 2016**

On behalf of Kemble Estates Ltd

**Halliday Fraser Munro**

Chartered Architects & Planning Consultants

Carden Church 6 Carden Place Aberdeen AB10 1UR

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Aberdeen - Belfast - Dundee - Edinburgh - Glasgow

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1. INTRODUCTION
2. SITE CONTEXT
3. PROPOSAL
4. PLANNING ANALYSIS
5. MARKETING INFORMATION
6. DISCUSSION
7. CONCLUSION

1. INTRODUCTION

- 1.1 This Supporting Statement has been prepared by Halliday Fraser Munro Planning Consultants, on behalf of Kemble Estates Ltd, in relation to a planning application at the former Peugeot car showroom at Broadfold Road, Aberdeen.
- 1.2 This Statement is structured to provide an overview of the site, the development proposal and its context within national, regional and local planning policy. Additional marketing and design discussion is also provided in later sections.

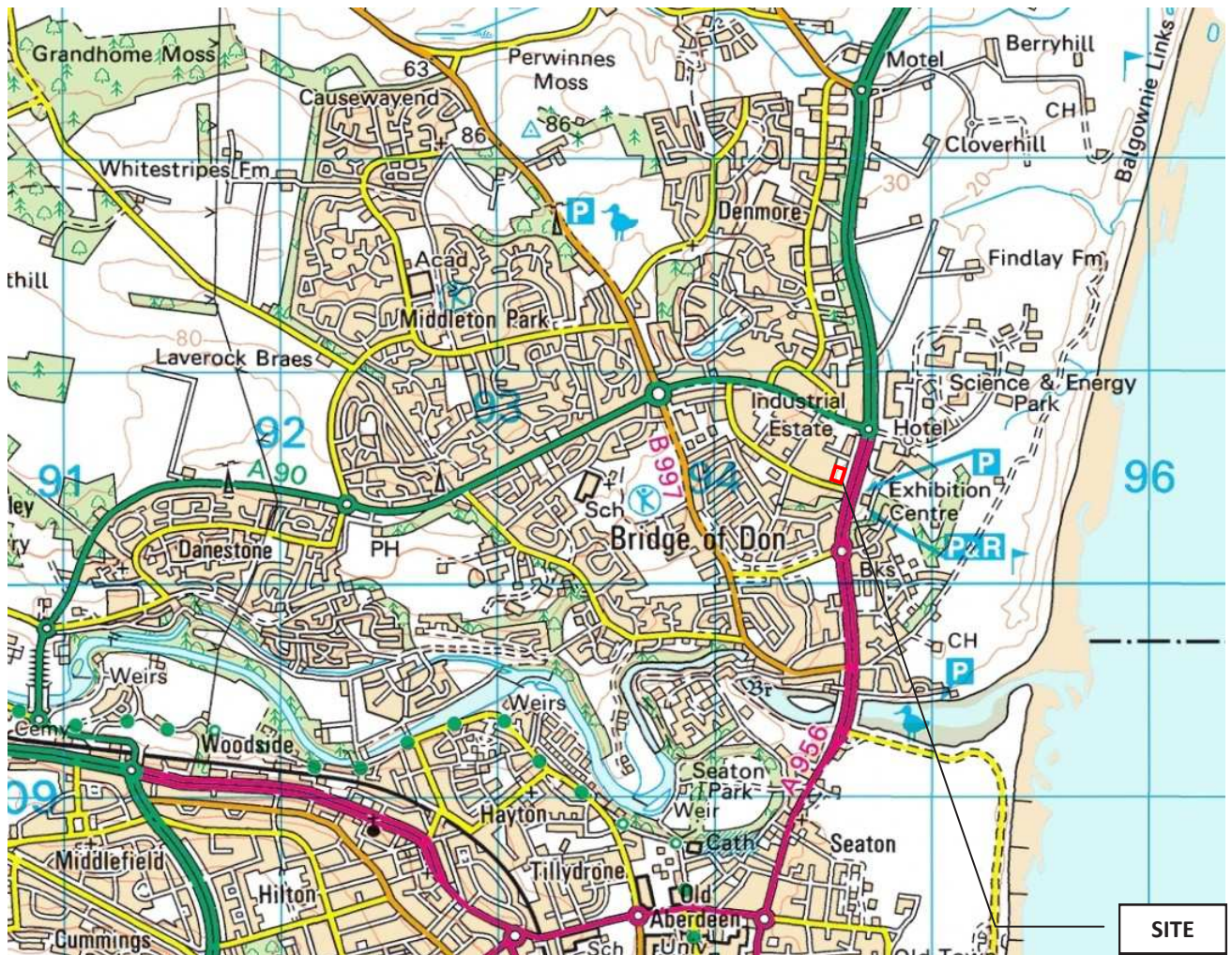


Fig 1: Site location within Bridge of Don, Aberdeen

(© OS map courtesy of Bing)



## 2. SITE CONTEXT

- 2.1 Located in the Bridge of Don area to the north of Aberdeen City, the site is bound to the east by the A90 Ellon Road, the north by Intown Road, and to the south by Broadfold Road - see Fig 2. The A90 Ellon Road links Bridge of Don with Aberdeen City Centre and northern settlements in Aberdeenshire, such as Ellon and Peterhead.
- 2.2 Land uses of the wider Bridge of Don area are shown in Fig 3. The surrounding uses at the site are highly varied, and include a car garage/body repair workshop to the west, an indoor football training centre and McDonald's restaurant to the south, and the Aberdeen Exhibition and Conference Centre (AECC) opposite. A comprehensive list of the units in the Bridge of Don Industrial Estate is contained in Appendix 1, and shows how varied the uses are here.
- 2.3 The site is approximately 0.6 acres, sloping gently from west to east, with a general south-easterly orientation toward the Ellon Road. Access is currently located on the eastern edge of the site's boundary from Intown Road, accessed from Broadfold Road.
- 2.4 The site's former use was a car showroom and garage. In 2012 the site gained planning permission for demolition of the car showroom and workshop, and the erection of industrial/commercial unit with car park and yard area (P120633). The site has now been cleared, however development of the proposed industrial/ commercial unit has not come forward. This is discussed further in section 5 of this report.



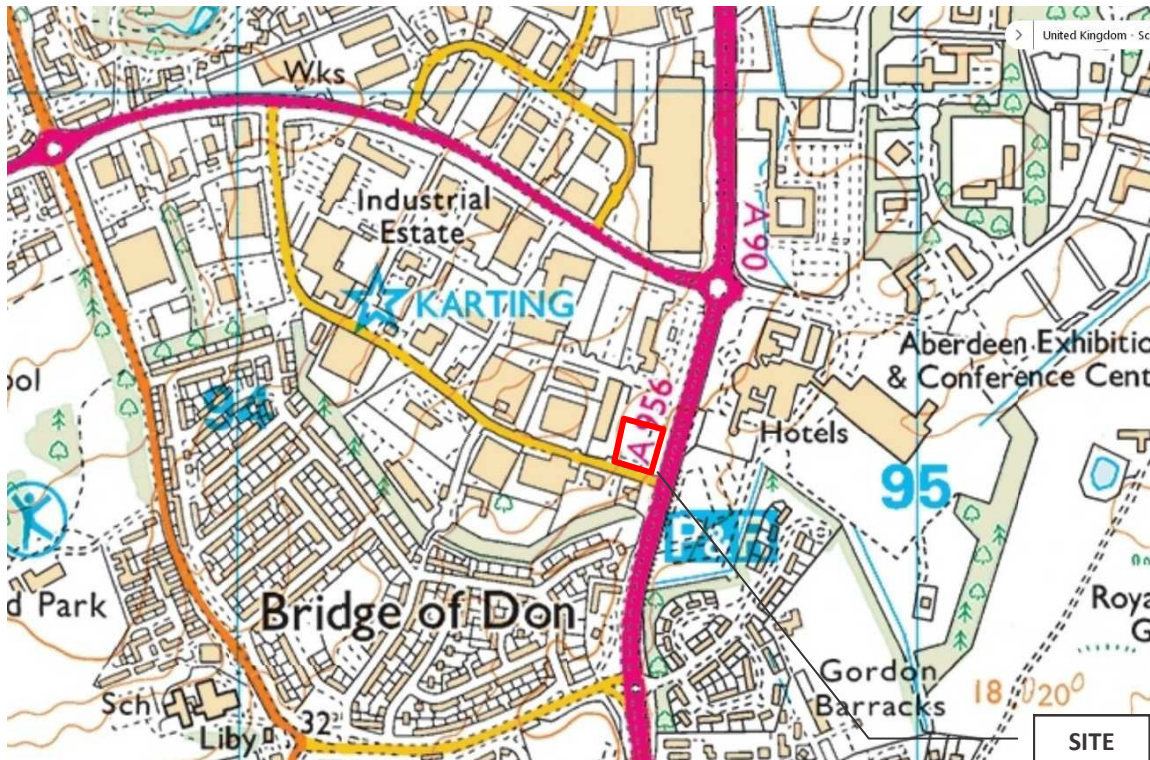


Fig 2: Site location within Bridge of Don Industrial Estate

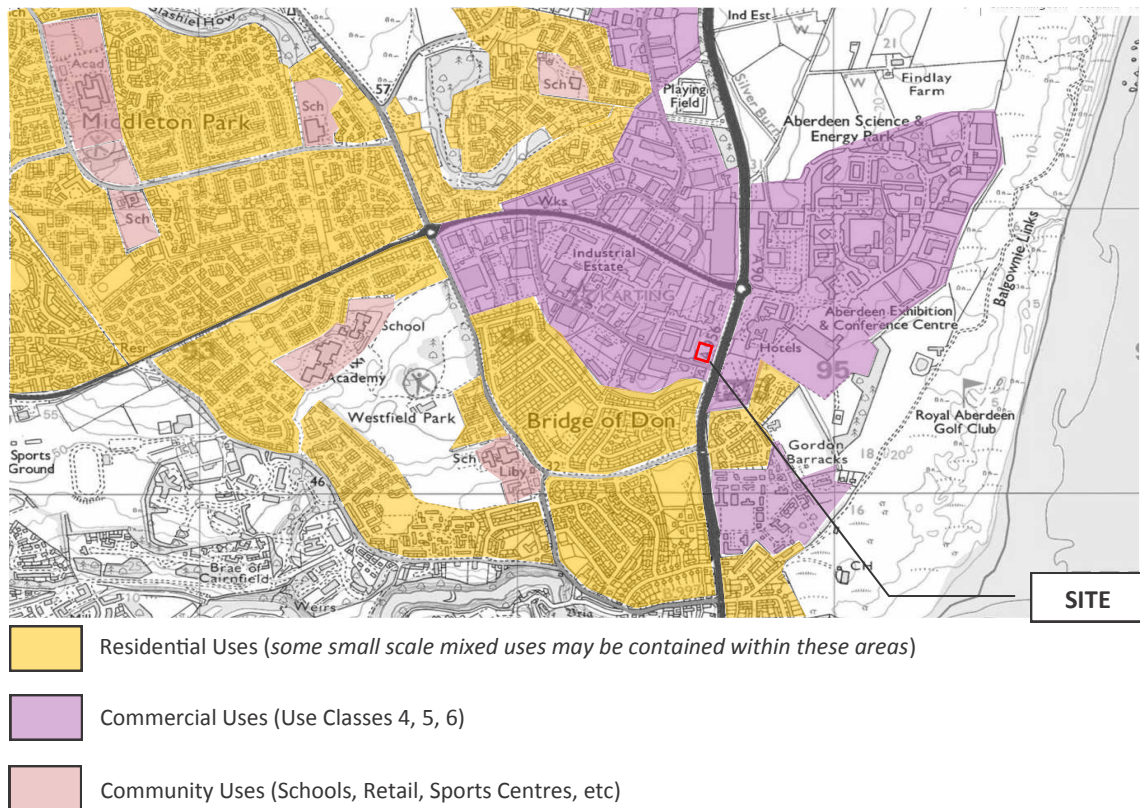


Fig 3: The application site is located on the edge of a broadly 'commercial' area, comprising a mix of Use Classes 4, 5 and 6 but also encompassing hotel, leisure and another fast food unit. Bridge of Don is a large residential suburb, with residential zones shown in relationship to the site.

### 3. PROPOSAL

- 3.1 This planning application seeks full planning permission for the erection of a hot food retail unit on Site 44 of Bridge of Don Industrial Estate. Under The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, 'Hot Food Shops' fall under Schedule 3 (Part 4), referred to as 'bad neighbour' development, and without any particular Use Class (i.e. Sui Generis).
- 3.2 The proposed fast food unit would have associated landscaping, a drive-through lane, outdoor seating, car parking and drive-through waiting bays (Fig 4).
- 3.3 The restaurant has a Gross Floor Area of 275 sqm (excluding Plant Area) typical of a drive-through fast-food restaurant of this size. Car parking is provided; 39 spaces, two are disabled, in line with Aberdeen City Council parking standards.
- 3.4 Proposed landscaping arrangements will look to retain existing planting wherever possible, and additional planting be in-keeping with that typically seen at fast food restaurants; grass and low lying shrubs/bushes.
- 3.5 The restaurant would operate with daily food deliveries and waste collection as is typical with most operators of this kind. Consistent with many contemporary fast food restaurants, the restaurant is proposed to be open 24-hours.
- 3.6 The car park will be accessed from a single junction to the east from Intown Road and will operate a 'one way' loop entering the drive-through to the west, or circling the central parking bays back to the exit, Fig 6.
- 3.7 Supplementary technical reports have been prepared by Cameron & Ross Engineers to examine transportation and drainage, and accompany this report within the application package.



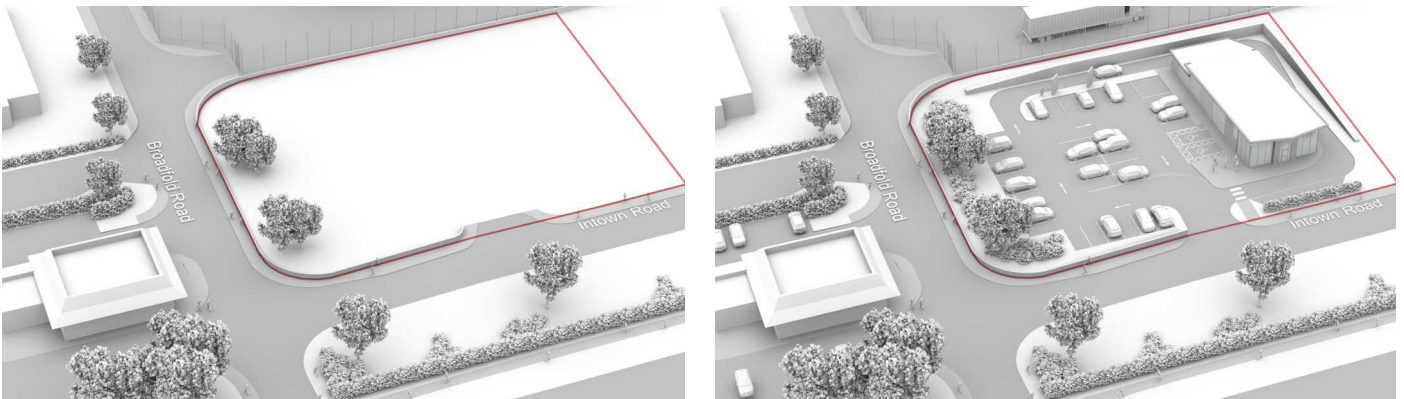


Fig 4: The application site is currently vacant following the demolition of the previous car showroom that occupied the plot. The site is surrounded predominately by mixed uses, with a McDonalds drive-through restaurant occupying the land directly to the south. The proposed site layout attempts to be as sympathetic as possible to the existing site topography and existing access points. The proposed building is therefore located to the northern edge of the application site.

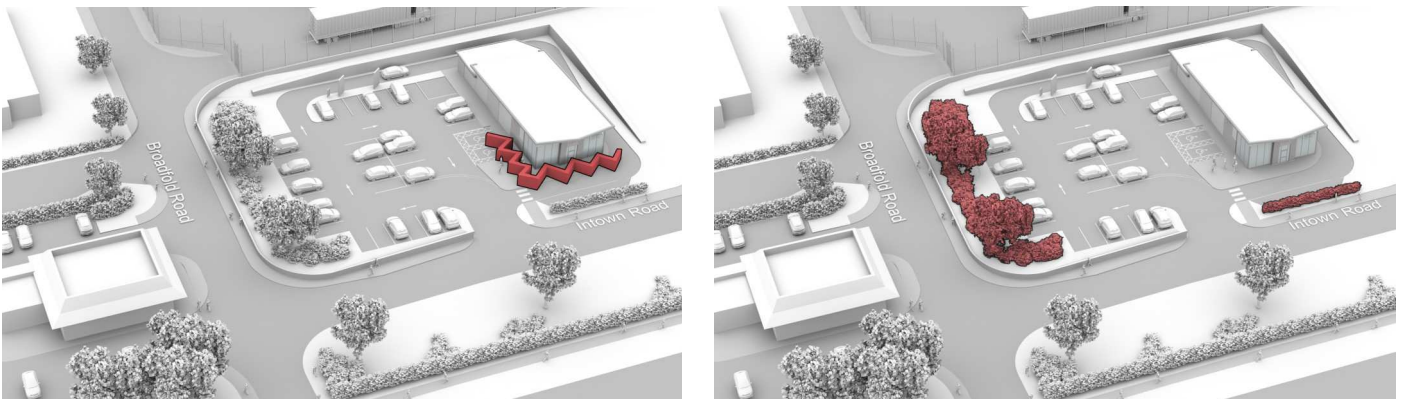


Fig 5: The location and orientation of the proposed building has been determined by the visibility of the site, and the desire to provide an 'active frontage' to Broadfold Road, Intown Road and the A90 beyond. The building will contain a seated restaurant, and as such will provide an opportunity for glazing to be incorporated within the elevations. The glazing will therefore be formed on the eastern/southern elevations providing visual interest and activity to the building's most prominent corner. The site currently benefits from mature landscaping along the edge of the A90, softening the views into the site while providing a better view out of the proposed restaurant. There is also existing landscaping along the southern boundary of the application site, which will be retained/strengthened, while the eastern boundary will receive low level planting.

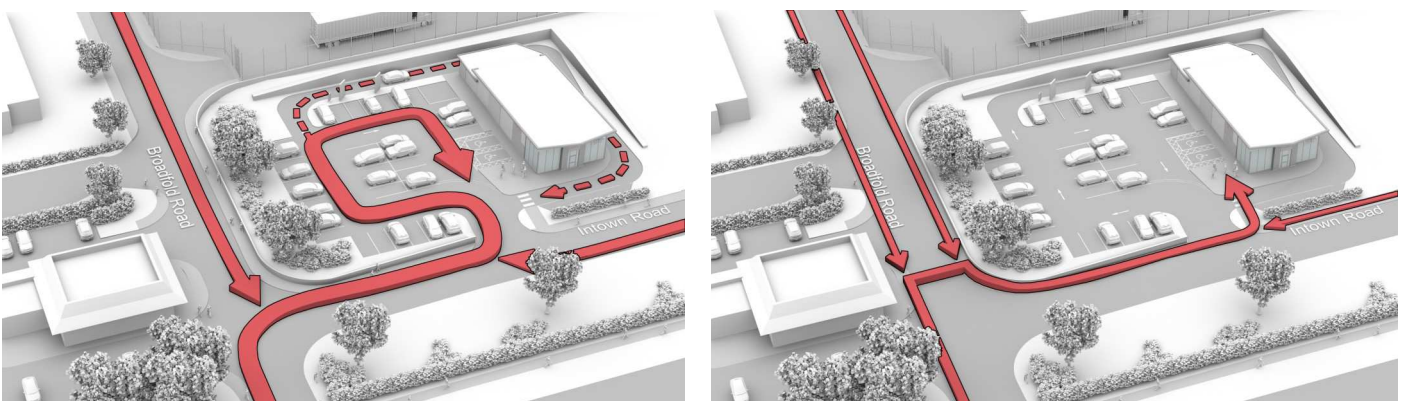


Fig 6: Vehicular access is sufficient for vehicles accessing the site, avoiding potential conflicts with traffic on Broadfold Road. The single junction accessing the site provides for both access and egress, with priority being given to vehicles accessing the site to avoid potential issues with queuing vehicles. The circulation within the site is proposed in a clockwise rotation to further assist with circulation/stacking to the drive-through lane. There is ample pavement/footpath provision around and within the site. The inclusion of a pedestrian crossing within the site assists in creating a safe pedestrian route from the surrounding footpath network.

## 4. PLANNING ANALYSIS

4.1 This section of the report will examine relevant planning guidance from Scottish Planning Policy, the Strategic Development Plan and the Local Development Plan in relation to this proposed development.

### Scottish Planning Policy (2014)

- 4.2 Scottish Planning Policy (SPP) is prepared by the Scottish Government to provide planning policy principles for new development in Scotland. It is high-level and is designed to allow Local Authorities to apply these principles to their own local context within Local Development Plans.
- 4.3 A key principle of SPP is that ***'planning should direct the right development to the right place'*** (p13).
- 4.3 SPP states *"a presumption in favour of development that contributes to sustainable development"* (SPP, Para 28). This principle looks to incorporate a number of considerations such as; giving due weight to the economic benefit of proposals and responding to economic issues, making efficient use of existing land and infrastructure, and supporting good design. In further detail, the reuse of brownfield land is heavily favoured over the development of greenfield land in the interests of sustainability. The proposed development contributes to the aims of 'sustainable development' through the redevelopment of a derelict brownfield site, and the delivery of a service which will support the surrounding 'commercial' area.
- 4.4 SPP supports the delivery of business and industrial development, setting out three general principles for the planning system in Development Planning and Development Management (Para 93);
- *'Promote business and industrial development which supports economic activity whilst safeguarding the natural environment'*. This proposal will support activity in the adjacent commercial area, which also spans over the A90. As an existing brownfield site, the development proposes no detrimental impact to the surrounding environment.
  - *'Allocate varying sites to suit varying needs, providing flexibility to respond to changing circumstances locally'*. The site falls within the Bridge of Don Industrial Estate which, in itself, is allocated for such development. The site has lain vacant for a long period—see Section 5 of this report—being promoted as commercial/ industrial plot, the development of the site for fast food would be a response to changing circumstances in the local area.



- *'Give due weight to the economic benefit of proposed development'*. The proposed development looks to provide a valuable facility in Bridge of Don for employees, customers, tradespersons, and residents alike. The proposed restaurant offers an opportunity for consumer choice in the immediate area of existing fast food provision (McDonald's) adjacent.

4.5 SPP also promotes sustainable travel. Para 270 of SPP advises that the planning system should support patterns of development which: *"optimise the use of existing infrastructure; provide safe and convenient opportunities for walking and cycling, and facilitate travel by public transport"*. The proposed development at Site 44 would utilise the current road network, with access from the A90 Ellon Road onto Broadfold Road; a primary access into the Industrial Estate at present. A dual walk/cycle path runs adjacent to the Ellon Road dual carriageway, providing safe travel options for pedestrians and cyclists. The development would also maximise the current provision of public transport with nearby bus stops offering a number of regular bus services, and the nearby Park & Ride (Fig 5).



Fig 5: Aerial image showing location of site in relation to surrounding bus stops, Park & Ride and foot and cycle paths. The showroom north of the site is now demolished.

(© Aerial courtesy of Bing, Streetview courtesy of Google)

### Aberdeen City & Shire Strategic Development Plan (2014)

- 4.6 The Strategic Development Plan (SDP), sets out targets for growth in the Aberdeen City and Aberdeenshire area up to 2035. It identifies Strategic Growth Areas (SGAs) (Aberdeen City; Aberdeen to Peterhead; Aberdeen to Huntly; and Aberdeen to Laurencekirk) to direct growth during this period.
- 4.7 The vision for the Aberdeen City and Shire region is to be an attractive, prosperous and sustainable European city region, and an excellent place to live, visit and do business. Creating a robust and resilient economy, dealing with climate change, and creating a more inclusive society will achieve this. Principles such as reuse of brownfield land, high-quality design, and encouraging sustainable and active travel are clear priorities in the SDP.
- 4.8 The proposed development is relatively small in scale, and does not undermine the goals of the SDP. It does however propose to provide a valuable service to a business/industrial area through the provision of jobs and new a hot food service.

### Aberdeen City Local Development Plan (2012)

- 4.9 The Aberdeen Local Development Plan (LDP) provides planning policies in which planning applications are assessed. The LDP also provides site-specific allocations and associated guidance. The LDP contains several relevant policies which will be discussed in relation to this planning application.
- 4.10 The application site sits on the edge of an area of land zoned as 'BI1' (Fig 6). The associated policy, Policy BI1: Business and Industrial Land, is therefore a primary consideration when assessing this planning application. Policy BI1 states that;

*"Ancillary facilities that support business and industrial uses may be permitted where they enhance **the attraction and sustainability** of the city's business and industrial land. Such facilities should be aimed primarily at **meeting the needs of businesses and employees** within the business and industrial area. **Bad neighbour uses** should either be located together in single industrial areas or within one part of a larger estate."*

The fast food unit, to be operated by a popular brand, will provide a valuable service to people working in, visiting, and living near, the Industrial Estate. Regarded as a 'bad neighbour use' under The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, Schedule 3 (Part 4), the proposed fast food outlet will neighbour an existing outlet which would be appropriate and in line with the above statement. We support that there is scope, therefore, to allow this development to be accommodated within the Industrial Estate under Policy BI1.



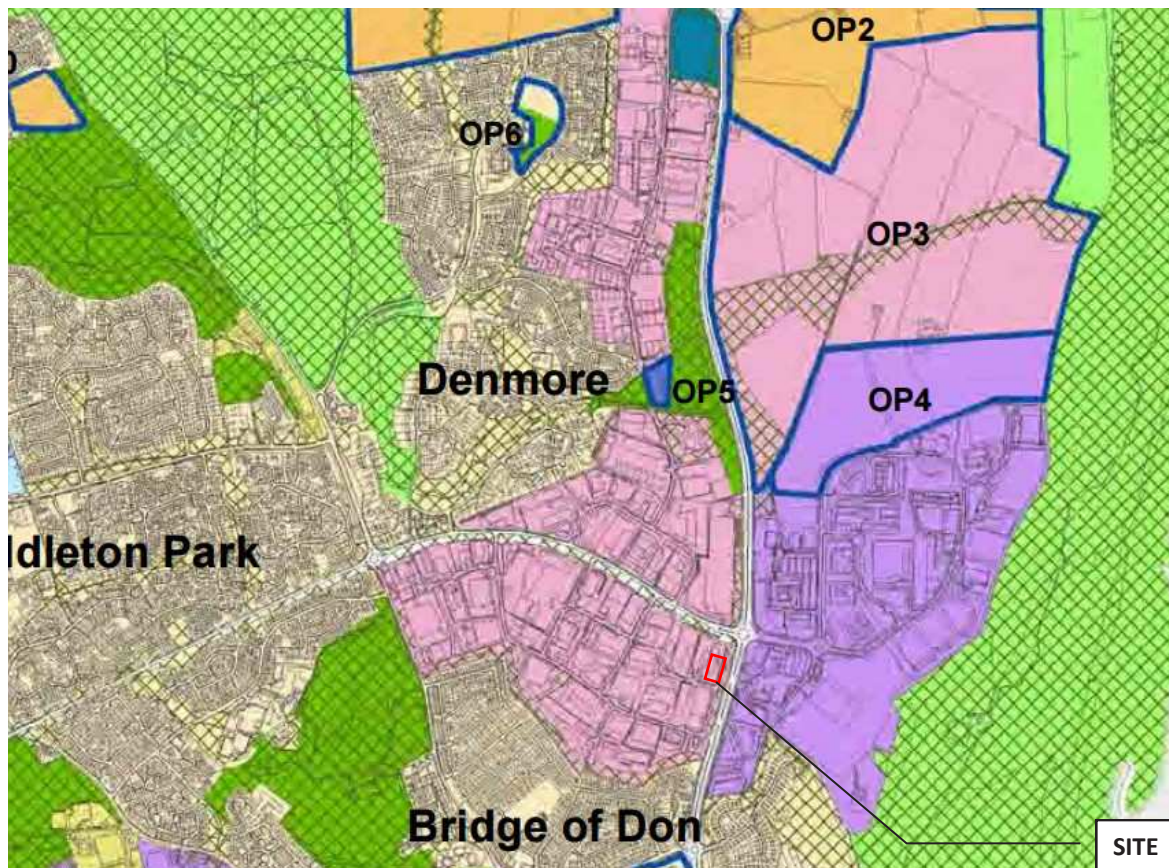


Fig 6: Location of site within LDP 2012 Proposals Map

- 4.11 The application site is adjacent to a 'BI2' area ('Specialist Employment Land'). Policy BI2 again states that uses which are ancillary to the needs of businesses and employees will be permitted.
- 4.12 Supplementary Guidance 'Harmony of Uses – Residential, Licensed Premises and Commercial Uses' discusses acceptable circumstances for the development of hot food takeaways, which this development is categorised for the purposes of this assessment. The Supplementary Guidance does not provide specific advice for proposed development within commercial/ industrial areas, simply within residential or city/town centres. The nearest residential area to the application site is around 200 metres south of the Bridge of Don Industrial Estate, and would therefore not be adversely impacted by development. There is an existing restaurant within a closer proximity.
- 4.13 Although there are no policies dedicated to the development of brownfield land, the LDP contains guidance of how these sites are favoured for their significant benefits to sustainable development; "regenerating areas, remove local eyesores, bring land and buildings back into effective use and reduce the need for car based travel" (Para 2.13), in line with SPP and the SDP.
- 4.14 Planning policy concerning sustainable transport lies within Policy D3 - Sustainable and Active Travel. Supplementary Guidance associated with Policy D3, 'Transport and Accessibility', advises that

for Drive-Through restaurant development, 1 parking space per 10sqm of development should be provided (SG, page 20). With a floorspace of 275 sqm and 37 parking spaces (plus two disabled), the proposal is in line with Aberdeen City Council standards.

- 4.15 Policy NE5 - Trees and Woodlands advises that there is a presumption against all activities and development that will result in the loss of or damage to established trees. This proposal seeks to establish appropriate landscaping on the south and east boundaries through retention or replacement planting.

### Proposed Aberdeen City Local Development Plan (2015)

- 4.16 The next LDP for Aberdeen is anticipated for adoption in 2016/17. Aberdeen City Council's Proposed LDP (PLDP) published in 2015 is currently under Examination by Scottish Ministers prior to its adoption. It represents the 'settled view' of the Council for planning policy in the next LDP cycle and is therefore a material consideration in any forthcoming planning applications.
- 4.17 Within the PLDP, the land allocation remains as B1 for Business and Industrial Land. The associated policy, 'B1: Business and Industrial Land' states;
- "[Classes 4, 5 and 6] are safeguarded from other **conflicting development types**. Other uses which **may be suited** to a business and industrial location ... shall be treated on their own merits. The **expansion of existing concerns and uses** within these locations will be permitted in principle ... Low amenity 'bad neighbour' uses must have **regard to surrounding uses** and their potential impact on the environment and existing amenity".*
- 4.18 The proposed fast food development would not conflict with existing Class 4, 5 and 6 uses in the area, but enhance them. There is an existing fast food restaurant adjacent to this site, and so provides a precedent for this addition to an existing neighbouring use. The development would not pose detriment to surrounding neighbours' environment or amenity.



## 5. MARKETING INFORMATION

- 5.1 The LDP zones the site principally for Business & Industrial uses. The proposed development has come forward as a result of a lack of market interest for Class 4/5/6 Uses. The site, which comprised a showroom/ workshop building together with external yard area, was marketed by Mark Halliday & Co. during late 2009 when the operating dealership, Manor Oak, went into administration in October 2009. Marketing materials are appended to this report (Appendix 2).
- 5.2 Marketing of the site continued throughout 2010; Mark Halliday & Co. were advised by various potential car franchise occupiers that the site was unsuitable due to size, location (the greatest concentrations for car showrooms are located to the south and west of the City) and style/condition of the existing building. The building remained unoccupied and started to fall into disrepair during this time, through 2011.
- 5.3 In May 2012, the landowner sought planning permission, described in Para 2.4 of this report (Application Ref: P120633), for the erection of a industrial/ commercial unit. This was granted in July 2012, and extensive marketing of the site with this planning permission commenced (Appendix 3). The building remained a dilapidated condition and became financially unfeasible to keep maintaining and repairing. The landowner took the decision to demolish the building in November 2013 in line with the planning permission, and the site has remained cleared since. Marketing for the site has continued, but with no definitive interest.
- 5.4 It may therefore be reasonably concluded that the site is unviable for industrial/ commercial use.

## 6. DISCUSSION

6.1 There are relatively few 'drive-through' restaurants around the city; see table below. These restaurants are usually located adjacent to mixed uses such as retail, business and industrial to attract users of these areas (ie linked trips).

OPERATOR	LOCATION	NEARBY ROAD(S)	LDP ZONING
McDonald's	Bridge of Don Industrial Estate	A90	B11 Business/Industry
McDonald's	Bucksburn	A90/ A96/ A947	H2 Mixed-Use
Burger King	Beach Retail Park (east)	A956	NE3 Urban Green Space
Burger King	Altens	A956	B11 Business/Industry
KFC	Haudagain Retail Park	A90/ A96	H1 Residential

6.2 Bridge of Don is one of the largest suburbs in Europe, with a population reaching almost 23,000. The potential 'primary catchment' therefore encompasses a large area of the city.

6.3 There are over 7000 new homes allocated for development in this part of Aberdeen, with business land also allocated for development on the opposite side of the A90 Ellon Road. A table of allocated development for the north of Aberdeen is provided in Appendix 4 and highlights the extent of future growth of this part of the city. This development could provide a new hot food service to these residents and employees, in addition to contractors working on the construction of the sites. There will also be the existing established customer base mentioned previously.

6.4 Although the land in this area is zoned as a preference for 'business and industrial uses', the site, as a former car showroom, was a 'semi-retail' use under Sui Generis. Therefore, there is no loss of employment land from this site.

6.4 This unit will enhance fast-food opportunity of this type in a highly accessible location. The presence of a similar unit (McDonald's) suggests that this is an appropriate location for this Use.

6.5 In terms of accessibility, the site is in a prominent location adjacent to the A90 Ellon Road and is highly accessible by car and public transport. There are also paths suitable for walking and cycling up to and around the site. A bus stop is located directly in front of the site on the Ellon Road northbound, and another on the opposite side southbound. Around sixteen services, both Stagecoach and First Bus, serve these bus stops. The Park & Ride is also located in close proximity.

- 6.6 This accessibility is not only key to attracting customers of all nature (i.e. members of the public and local traders), but also for 'passing by' trips into and out of the city, and also for future staff to be employed at the proposed restaurant.
- 6.7 Traveling northbound on this portion of the Ellon Road from Aberdeen city centre, a variety of uses are visible, including residential areas, a bank, the AECC and hotel as well as the existing fast food restaurant. There would be no conflict with existing uses on the edge of this established mixed-use Industrial Estate.
- 6.8 Pre-Application discussions with Aberdeen City Council Planning Service suggested that marketing evidence would be required to demonstrate that business/industrial use is no longer appropriate for the site. This has been demonstrated in the previous section of this report.
- 6.9 The Council's Road Department provided no objection to the proposed scheme in principle at Pre-Application stage.

## 7. CONCLUSION

- 7.1 This planning application seeks full planning permission for the erection of a fast food unit at Broadfold Road, Bridge of Don.
- 7.2 This Planning Support Statement has demonstrated that the proposed development is in line with objectives of Scottish Planning Policy, and can be appropriately interpreted within local planning policy.
- 7.3 Policy BI1 of the LDP suggests a preference for business and industrial development in these areas, however there is flexibility within the Policy to include associated ancillary uses within these areas. Other drive-through restaurants are evident in similar circumstances within mixed-use areas around the City. The site's former use as a car showroom is neither Class 4, 5 or 6 and so there would be no loss of business and industrial land through the development of this site for the proposed use.
- 7.5 We support that the presence of an existing fast food restaurant, the mixed-use commercial nature of the area, and marketing evidence since 2009 presents justification for this development at Broadfold Road. We therefore respectfully request that Aberdeen City Council support the proposed development.

APPENDIX 1: BRIDGE OF DON INDUSTRIAL ESTATE OCCUPIERS (1 of 2)



ABERDEEN  
Industrial Areas Guide  
2014-15

RESEARCH AND INFORMATION

Bridge of Don



No.	Company	No.	Company
1	ATR Global Equipment Specialists	14	Unit 1 Fithandel (Scotland) Ltd
2	Finning UK Ltd		Unit 1a, 3a-c A & B Welding Services
3	Unit 1-2 JBS Group		Unit 2a Inmarsat
	Unit 3 Screwfix		Unit 2b, 3d Vacant
	Unit 4-5 Vacant	15	Howden Joinery Co
	Unit 6 Monks & Crane Engineers Tools & Consumables		Lyten
	Unit 7-8 Steadfast Scotland	16	Vacant
	Unit 9 ATR Global Equipment Specialists	17	Baker Oil Tools
	Unit 10 Pyeroy	18	Murison Cars
	Unit 11 Linde Material Handling Scotland		Vacant
	Unit 12 Phuel Oil Tools		Pmac Group
	Unit 13 ATR Global Equipment Specialists		Imajica
	Unit 14-15 Reid Furniture		Intelligent Gels
4	Sterling		Murison Cars
5	Jewson	19	Bilfinger Salamis
6	Team Allied Pickfords	20	Muirson Commercials
	Panalpina	21	Batleys Wholesale
	Bailey, NG & Co Ltd	22	Vacant
	CP Cases Scotland		Unit 1 RSL Motors
7	ATR Global Equipment Specialists		Unit 2-3 MCM O'Drill UK Ltd
8	ATR Global Equipment Specialists		Unit 4 Robertson Facilities Management
9	ATR Global Equipment Specialists	23	Bilfinger Salamis
10	Thistle Windows & Conservatories	24	Homebase
	DMD (2000) Ltd	25	BMT Cordah Ltd
11	Augean North Sea Services		Total Waste Management Alliance
	Kerloch Oil Tools		Welltec UK Ltd
	Vacant		Vacant
12	Drilco	26	GE Oil & Gas
13	Norscot Truck & Van Ltd	27	Pipe Storage Yard unnamed

10247 -- FAST FOOD UNIT,  
BROADFOLD ROAD,  
MAY 2016

## APPENDIX 1: BRIDGE OF DON INDUSTRIAL ESTATE OCCUPIERS (2 of 2)

No.	Company	No.	Company
28	Norse Ltd	45	Sparks of Aberdeen Ltd
	Deep Blue Engineering Solutions	46	Unit a Autosave Components
	Oil States (Klaper) UK Ltd		Unit b Car Clinic
	RedSeal Ltd		Unit c Laws Tyres
29	Nu-Style Products Ltd		Unit d KartStart
30	Fleming Buildbase		Unit e Vacant
31	MDL Measurement Devices Ltd		Unit f Aspect Furnishings
32	Welltec		FF Room 5 Vacant
33	Halls, Donald A Ltd		FF Room 6-8 CDs Network Ltd
34	Caledonia Training & Construction		FF Room 9 Exit Software Ltd
	Silver Dental Clinic		FF Room 10 Vacant
	1st Integrated Safety Control Solutions		FF Room 11 Kudos Scaffolding
35	Nor Sea Foods Ltd		FF Room 12 Broadfold Business Gifts Ltd
36	HRH Ltd		FF Room 13 CDs Network Ltd
37	Carpet Flooring		FF Room 14 Vacant
38	Unit a Vacant	47	Vehicle & Operator Services Agency
	Unit b Niven, Scott Ltd Joinery & Build. Contra.	48	Inter Training
	Unit c Denmore Kitchens		Ross Electrical
	Unit d Aberdeen Boiler Services		Royal Mail
39	Under Redevelopment	49	Barclay & Mathieson
40	Unit a HVAC & Refrigeration Engineering	50	Strikers Indoor Football
	Ziebel UK Ltd	51	Caledonia Services Ltd
	Zilift	52	Kenway Exhausts
	Unit b-c Bilfinger Salami Skills Centre	53	British Telecom
	Unit d Vacant		Vacant
41	British Oxygen Company	54	McDonalds
42	Autospray Motor Body Works	55	Yardbury Group
43	1st Integrated Safety Control Solutions	56	Bilfinger Salamis
44	<u>Demolished</u>	58	Specialist Cars (Nissan)
	Sheffield Insulation	59	Don Cabs

Bridge of Don

APPENDIX 2: 2009 MARKETING MATERIAL (1 of 2)

MARK HALLIDAY & COMPANY  
COMMERCIAL PROPERTY CONSULTANTS

## TO LET/MAY SELL

Showroom & Workshop Premises  
with large yard.

Prominent main road frontage



Broadfold Garage  
Broadfold Road, Bridge of Don  
Aberdeen

[www.halliday-co.com](http://www.halliday-co.com)



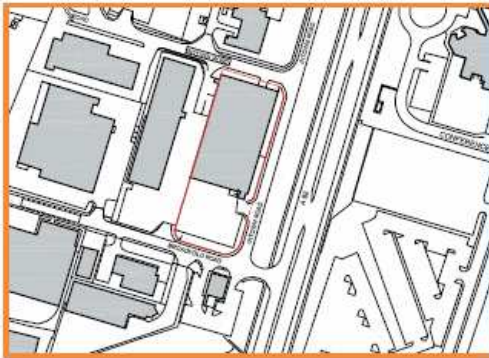
## APPENDIX 2: 2009 MARKETING MATERIAL (2 of 2)

## PROPERTY PARTICULARS

Broadfold Garage - Broadfold Road,  
Bridge of Don, Aberdeen**Location**

The property is prominently located fronting the main Aberdeen to Ellon road, close to its junction with The Parkway, within the suburb of Bridge of Don, Aberdeen. Bridge of Don is a long established and popular commercial location with a wide variety of uses nearby including Office, Industrial, Showroom, Leisure and Entertainment. Aberdeen Exhibition & Conference Centre is situated opposite the property.

The location is identified on the plan for indicative purposes only.

**Description**

The subjects comprise a former motor dealership occupying a showroom and workshop facility with a large yard.

At ground floor level, the subjects comprise open showroom accommodation together with workshop, parts and storage space. There are ancillary office, staff and toilet facilities throughout.

At lower ground floor level there are offices together with storage accommodation.

There is a large concrete yard/car parking area with the property.

**Floor Area**

We calculate the following approximate gross internal areas:-

**Ground Floor**

Showroom etc: 14,241sq.ft. (1,323sq.m.)  
Workshop/Parts/Stores: 16,630sq.ft. (1,545sq.m.)

**Lower Ground Floor**

Office/Stores: 2,185sq.ft. (203sq.m.)

**Total:**

33,056sq.ft. (3,0713sq.m.)

## Site area

Approximately 1.3 acres

**Rateable Value**

The subjects attract a rateable value of £159,000

**Planning**

The property is identified in the Local Plan as being within an area allocated as business and industrial land. Interested parties are requested to make their own enquiries with Aberdeen City Council planning department with regard to current use and potential alternative uses.

**Redevelopment**

Our clients will consider redeveloping the site to accommodate specific occupiers requirements. Further details upon request.

**Lease Terms**

The property is available on full repairing and insuring terms for a negotiable period incorporating periodic rent reviews where appropriate.

**Rent:** A rental of £190,000pa ex vat is sought.

**Price:** Our clients may consider a sale of their feehold interest. Offers are invited.

**Further Information & Viewing**

By arrangement with the sole agent

MARK HALLIDAY & COMPANY  
COMMERCIAL PROPERTY CONSULTANTS

Tel 01224 224499

F: 01224 224301 • E: mark.halliday@halliday-co.com

Riverside House, Riverside Drive, Aberdeen AB11 7LH


Mark Halliday & Company for themselves and for the vendors or lessors of this property whose agents they are give notice that:- (i) these particulars and plans are set out as a general outline only for the guidance of interested purchasers or lessees, and do not constitute, nor constitute part of, an offer or contract; (ii) all descriptions, dimensions, reference to condition and necessary permission for use or occupation, and any other details are given without responsibility and any intending purchasers or tenants should not rely upon them as statements or representations of fact but must satisfy themselves by inspection or otherwise as to the correctness of each of them; (iii) no person in the employment of Mark Halliday & Company has any authority to make or give any representation or warranty whatsoever in relation to this property.

APPENDIX 3: 2012 MARKETING MATERIAL (1 of 2)

Another development by Kemble Estates

**Kemble Estates**

[www.broadfold1.com](http://www.broadfold1.com)



**TO LET**  
**BROADFOLD1**  
**BRIDGE OF DON**  
**ABERDEEN**


Office 6,450 sq.ft.  
Warehouse 12,100 sq.ft.  
Yard 11,700 sq.ft.

**FURTHER INFORMATION**  
An information pack containing further details is available from the sole letting agent:


**MARK HALLIDAY & COMPANY**  
COMMERCIAL PROPERTY CONSULTANTS

Riverside House  
Riverside Drive  
Aberdeen AB11 7LH

T 01224 224499  
E [mark.halliday@halliday-co.com](mailto:mark.halliday@halliday-co.com)  
[www.halliday-co.com](http://www.halliday-co.com)



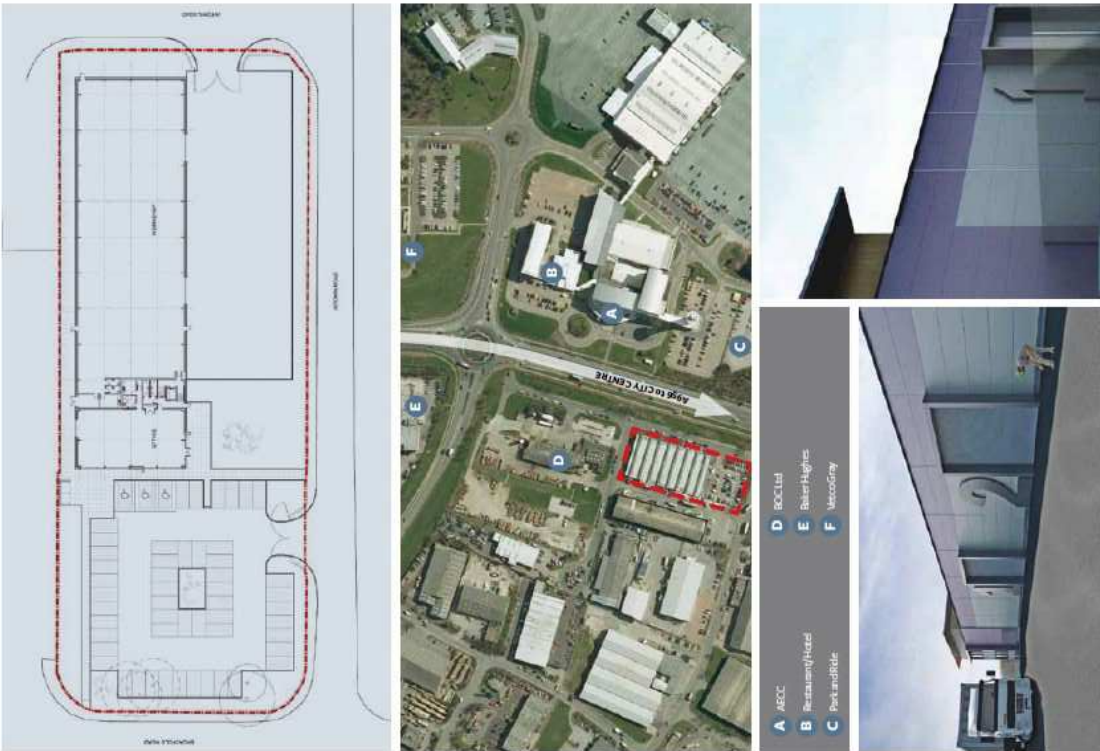
**MARK HALLIDAY & COMPANY**  
COMMERCIAL PROPERTY CONSULTANTS



[www.broadfold1.com](http://www.broadfold1.com)



APPENDIX 3: 2012 MARKETING MATERIAL (1 of 2)



**A rare opportunity to acquire a new high quality headquarters facility, prominently located overlooking a main arterial route in and out of the City...**

**LOCATION**

The subject is prominently located from the main Aberdeen to Elgin road, close to its junction with the Railway, within the suburb of Bridge of Don, Aberdeen.

Bridge of Don is a long established and popular commercial location with a wide variety of users nearby including Office, Industrial, Showroom, Leisure and Entertainment. Aberdeen Exhibition & Conference Centre is situated opposite the property. Major occupiers nearby include Baker Oil Tools, Vaco Gray, Weatherford, Haring Energy Services.

**Warehouse**

2100 electric roller doors  
3 Phase power  
Minimum 7 metres height  
High bay lighting  
Concrete yard

**FLOOR AREAS**

Office 6,480sqft. (6,000sqm)  
Warehouse 12,000sqft. (1,104sqm)  
Yard 17,000sqft. (1,560sqm)

**LEASE TERMS**

Our clients are looking to lease the property on a full repairing and insuring terms for a minimum 10 year period with periodic rent reviews.

**RENT**

A rent of £300,000 per annum is sought.

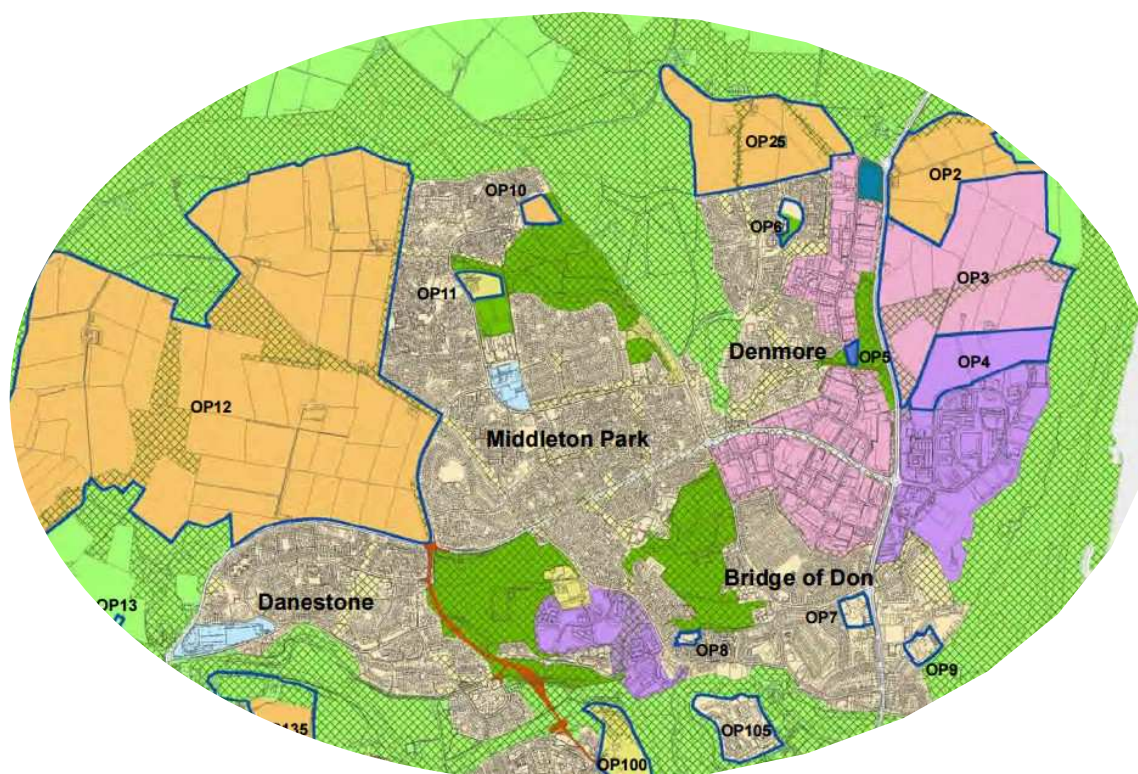
**SPECIFICATION**

The specification includes the following:

**Office**

- Contemporary styling
- Open plan office space
- DBA compliant
- 8 person lift
- VMV heating/cooling system
- 150mm overall raised access floor
- Toilets and kitchen provision on all levels
- 53 car parking spaces

APPENDIX 4: 2012 LDP ALLOCATIONS, NORTH ABERDEEN



SITE	NAME	ALLOCATED FOR
OP2	Murcar	27 Ha Specialist Employment
OP3	Berryhill	68 Ha Business & Industrial
OP4	Findlay Farm	17 Ha Specialist Employment
OP7	Balgownie Centre	2.25 Ha Residential
OP9	OP9 Gordon Centre	2.21 Ha Residential
OP10	East Woodcroft North	60 Homes
OP11	Jesmond Drive	23.5 Ha Mixed Use; Planning Permission granted for 82 residential units
OP12	Grandhome	7000 Homes
OP25	Dubford	550 Homes
OP100	Donside Paper Mill	10 Ha Mixed Use
OP105	Hillhead Halls	9.9 Ha 'potential for housing'





## Report of Handling Detailed Planning Permission

**161326/DPP:** Replacement windows and door to dwelling house at 29 King's Gate, Aberdeen, AB15 4EL,

For: Mr C Barnes

Application Date:	14 September 2016
Officer:	Charlotte Watson
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross And Harlaw
Advertisement:	N/A
Advertised Date:	N/A

### RECOMMENDATION: Refuse

#### SITE DESCRIPTION

This application relates to a 2 ½ storey, semi-detached traditional granite dwellinghouse located on the southern side of King's Gate, within the Albyn Place/Rubislaw Conservation Area. It is rough granite with a two storey bay window and substantial dormer above. The front and rear elevations have original white-painted timber sash and case windows, whilst the existing door to the rear is white timber.

#### DESCRIPTION OF PROPOSAL

Permission is sought for the replacement of timber sash and case windows to the front and rear with top-opening Upvc windows to the rear and Upvc sash and case windows at the front. The proposal also seeks the replacement of the existing white timber door and fanlight to be replaced by a new Upvc door and fanlight.

#### RELEVANT HISTORY

Application Number	Proposal	Decision Date
None		

#### SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at [www.publicaccess.aberdeencity.gov.uk](http://www.publicaccess.aberdeencity.gov.uk).

#### CONSULTATIONS

Consultee	Date of Comments	Summary of Comments
n/a		

## REPRESENTATIONS

None

## PLANNING POLICY

### **Aberdeen Local Development Plan**

D1: Architecture and Placemaking

D5: Built Heritage

H1: Residential Areas

### **Proposed Aberdeen Local Development Plan**

D1: Quality Placemaking by Design

D4: Historic Environment

H1: Residential Areas

## OTHER RELEVANT MATERIAL CONSIDERATIONS

### **Supplementary Guidance**

Technical Advice Notes: 'The Repair and Replacement of Windows and Doors'.

Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance note series: 'Windows' and 'Doorways'

## EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

### Amenity

In accordance to Policy H1 (Residential Areas), the replacement windows to the rear elevation are acceptable and will not have a detrimental impact on visual amenity of the area. The rear elevation of 29 Kings Gate will not be visible due to the fact that there is no rear lane. However the proposed Upvc windows and door on the principal elevation will result in an adverse impact on the character of the Albyn Place/Rubislaw Conservation Area which will be discussed below.

### Design

As the proposed door and windows on the front elevation are readily visible from the public street frontage, 'The Repair and Replacement of Windows and Doors' TAN is of relevance, stipulating that on *"public elevations of unlisted buildings in Conservation Areas, the introduction of PVCu windows as a replacement material is not acceptable. Many historic windows in Aberdeen are timber sash and case. The relative proportions of the upper and lower sashes of new windows must be the same as the original windows, as should the size of the timber sections. Replacement windows should be fitted in the same plane, be made up from timber sections of the same profile and dimensions, and have the meeting rails in the same position"*.

Therefore the proposal to replace the existing timber windows with Upvc is not supported by the relevant TAN due to the loss of existing historic fabric and the replacement windows' failure to maintain the traditional materials of the original windows. The windows also fail to comply with Historic Environment Scotland's 'Managing Change in the Historic Environment: Windows' guidance, which states "*where there is no alternative to the replacement of historic windows or elements of their joinery and glazing, the new elements should match the original. This should include replication of the proportion, opening method, astragal dimension, profiles and fixing of the glass*". Overall since the proposed windows do not seek to maintain the character of the conservation area by faithfully reproducing traditional window features, this application cannot be accepted. The replacement of these windows will be unsympathetic to the character of the Conservation Area whereby neither the materials nor proportions of the traditional windows are maintained. Allowing such unsympathetic replacements would risk progressive and cumulative erosion of the character of the Conservation Area, and would undermine the policy position set out at both the national and local level.

The proposed Upvc door and fan light on the principal elevation is also inconsistent with the provisions of the TAN on 'The Repair and Replacement of Windows and Doors', which states that "*the new door should match the original in terms of proportion, profile, opening method and material, and reuse historical glass where this contributes to a building's character*". As such, the proposed materials conflicts with the TAN and does not preserve the character of the Conservation Area which would risk progressive and cumulative erosion of the character of the Conservation Area. The replacement door also fails to accord with the guidance set out in the HES 'Doorways' note, which states a preference for retention and repair of traditional/original doors, and sets out that any replacements should '*match the original in all respects. This should include exact replication of the opening method, maintenance and reuse of door furniture and historic glass where this contributes to a building's character*'.

#### Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015 and the Reporter has now reported back. The proposed plan constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporters response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP. The Technical Advice Notes is to have full Supplementary Guidance status which means that its content would have the same weight in decision making as the policies on the plan itself.



Approval to adopt the LDP will be sought at the Full Council meeting of 14 December 2016. The actual adoption date is likely to be around the third week in January 2017.

**RECOMMENDATION: Refuse**

**REASONS FOR RECOMMENDATION**

The proposal does not comply with Policy D1 (Architecture and Placemaking), D5 (Built Heritage) and H1 (Residential Amenity) as the proposal fails to demonstrate due regard for its context within the Albyn Place/Rubislaw Conservation Area, where the retention and reinstatement of traditional windows and doors, or suitably sympathetic alternatives, is necessary to maintain and enhance the character of the Conservation Area. Whilst acknowledging that the wider visual impact of the proposal in isolation is limited, the replacement of traditional timber windows and door with upvc would risk setting an unwelcome precedent for further unsympathetic window and door replacement within the Conservation Area which, if replicated, could lead to a cumulative erosion of its character and appearance.

The proposal also fails to comply with the requirements of the Council's relevant TAN, Historic Environment Scotland's Managing Change guidance, and Scottish Planning Policy due to the loss of historic fabric and the proposal's resultant adverse impact on the character and appearance of the Conservation Area. The proposed windows also conflict with the TAN's Supplementary Guidance on 'The Repair and Replacement of Windows and Doors' in which the replacement of windows within Conservation Areas are to be a 'like for like' replacement in design, method of opening and materials in order to maintain the character and amenity of the Conservation Area. In this case, the proposal fails to maintain the original qualities of the traditional windows and door, and therefore is considered to erode the character of the Albyn Place/Rubislaw Conservation Area. As noted in the assessment, allowing unsympathetic replacement windows and doors would potentially set a precedent whereby the planning authority would have difficulty in resisting similar proposals, risking progressive and cumulative erosion of the character of the Conservation Area, and would undermine the policy position set out at both the national and local level.



## **DECISION NOTICE**

### **The Town and Country Planning (Scotland) Act 1997**

### **Detailed Planning Permission**

Grant Allan  
Cr Smith  
Cr Smith  
Gardeners Street  
Dunfermline  
Scotland  
KY12 0RN

on behalf of **Mr C Barnes**

With reference to your application validly received on 14 September 2016 for the following development:-

#### **Replacement windows and door to dwelling house at 29 King's Gate, Aberdeen**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

<b>Drawing Number</b>	<b>Drawing Type</b>
	Location Plan
001 AND 002	Multiple Elevations (Proposed)
ISS 09/2004	Window Cross Section

The reasons on which the Council has based this decision are as follows:-

The proposal does not comply with Policy D1 (Architecture and Placemaking), D5 (Built Heritage) and H1 (Residential Amenity) as the proposal fails to demonstrate due regard for its context within the Albyn Place/Rubislaw Conservation Area, where the retention and reinstatement of traditional windows and doors, or suitably

PETE LEONARD  
DIRECTOR

sympathetic alternatives, is necessary to maintain and enhance the character of the Conservation Area. Whilst acknowledging that the wider visual impact of the proposal in isolation is limited, the replacement of traditional timber windows and door with upvc would risk setting an unwelcome precedent for further unsympathetic window and door replacement within the Conservation Area which, if replicated, could lead to a cumulative erosion of its character and appearance.

The proposal also fails to comply with the requirements of the Council's relevant TAN, Historic Environment Scotland's Managing Change guidance, and Scottish Planning Policy due to the loss of historic fabric and the proposal's resultant adverse impact on the character and appearance of the Conservation Area. The proposed windows also conflict with the TAN's Supplementary Guidance on 'The Repair and Replacement of Windows and Doors' in which the replacement of windows within Conservation Areas are to be a 'like for like' replacement in design, method of opening and materials in order to maintain the character and amenity of the Conservation Area. In this case, the proposal fails to maintain the original qualities of the traditional windows and door, and therefore is considered to erode the character of the Albyn Place/Rubislaw Conservation Area. As noted in the assessment, allowing unsympathetic replacement windows and doors would potentially set a precedent whereby the planning authority would have difficulty in resisting similar proposals, risking progressive and cumulative erosion of the character of the Conservation Area, and would undermine the policy position set out at both the national and local level.

**Date of Signing** 9 December 2016



**Daniel Lewis**  
Development Management Manager

## **IMPORTANT INFORMATION RELATED TO THIS DECISION**

### **DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)**

None.

### **RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;

- c) to grant planning permission or any approval, consent or agreement subject to conditions,

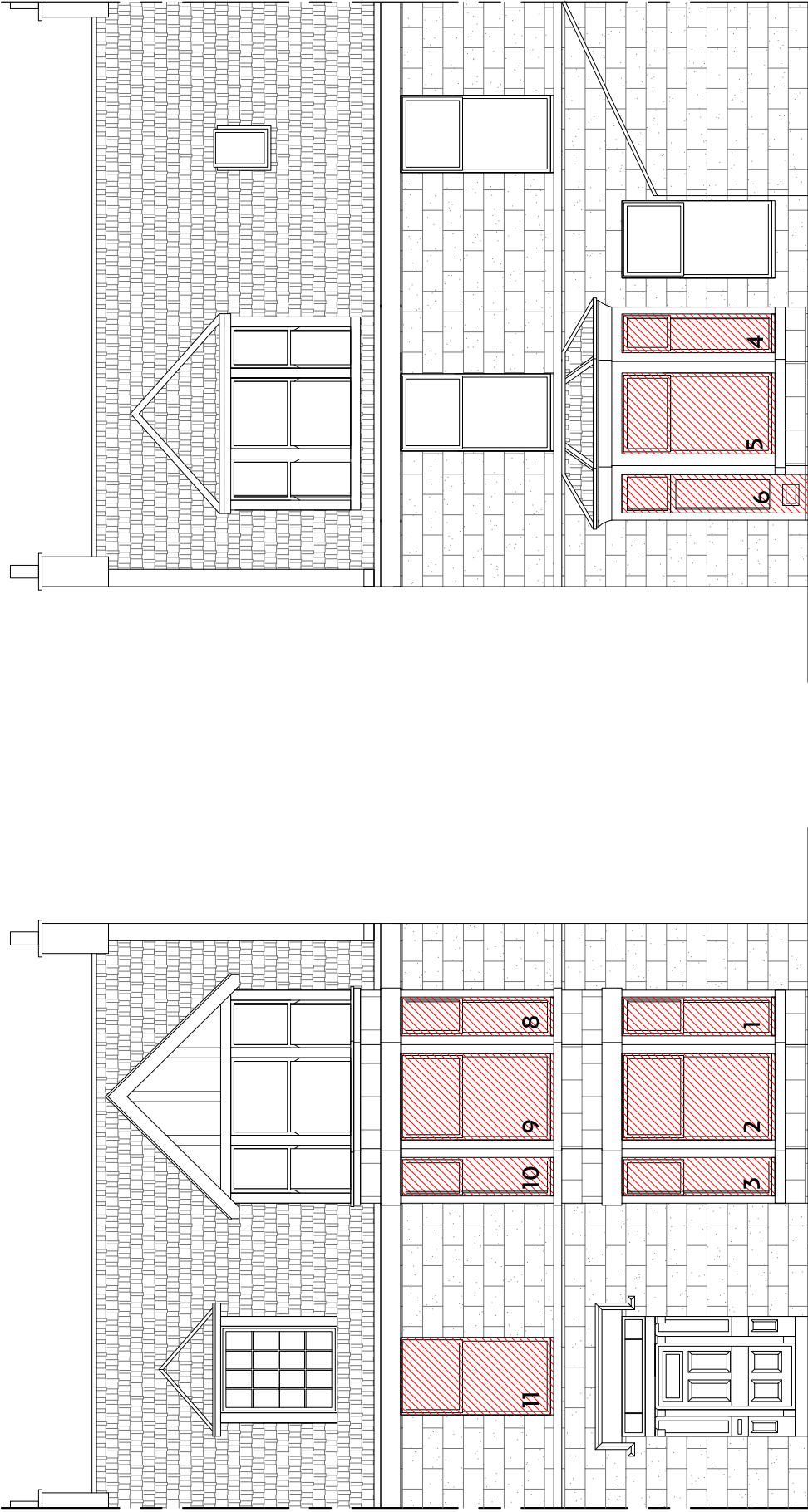
the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at [www.eplanning.scot](http://www.eplanning.scot).

Notices of review submitted by post should be sent to Planning and Sustainable Development (address at the top of this decision notice).

### **SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION**

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.





**Existing North Elevation**  
Scale 1:100

**Existing South Elevation**  
Scale 1:100

**Existing West Elevation**  
Scale 1:100

**Scale bar**  
(1:100)

Existing White timber Sash & Case Windows (lines 1,2,3,8,9,10 & 11) on the North Elevation (highlighted red) to be removed and replaced with new white uPVC Sash & Case windows. Windows to be fitted with night vents.

Existing White timber Sash & Case Windows (lines 4,5) on the South Elevation (highlighted red) to be removed and replaced with new white uPVC Top over fixed windows. Windows to be fitted with night vents.

Existing white timber door and fan light (line 6) to be replaced with new uPVC door and fan light.

Existing White timber Sash & Case Windows (line 7) on the West Elevation (highlighted red) to be removed and replaced with new uPVC fixed over Tilt window. Night vent to be fitted to head of window.

Openings to be fully draught stripped and sealed to prevent air and moisture ingress. Existing lintels to remain unaffected.

No other works internal or otherwise proposed.



home sweeter home

CLIENT Mr & Mrs Barnes  
29 Kings Gate  
Aberdeen

POSTCODE AB15 4EL  
TELEPHONE 01224642231

PROJECT SPECIFICATION  
Proposed Replacement Windows

CONTRACT No 36207806 DRAWING No 001

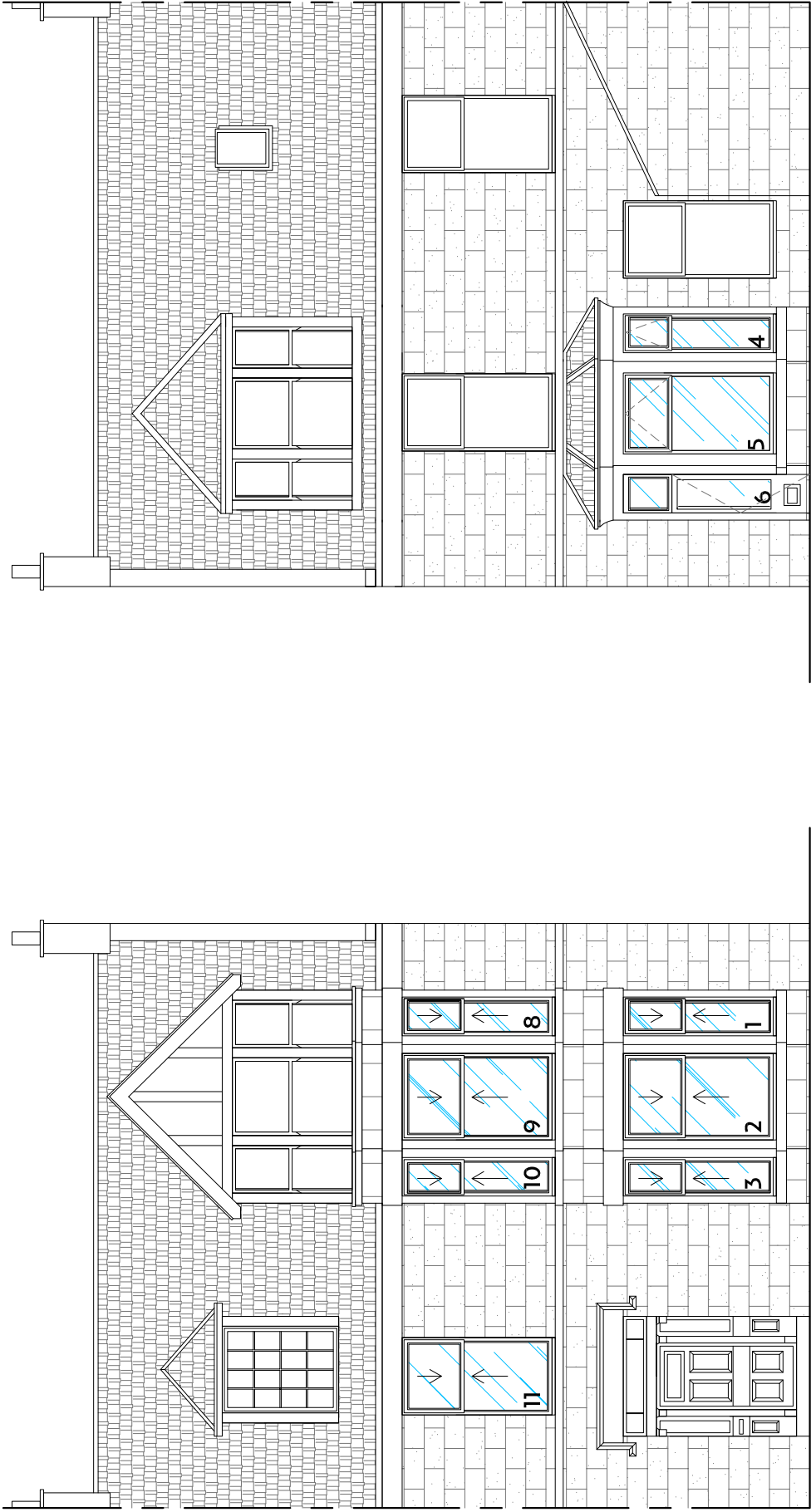
DRAWING BY Grant Allan

SCALE As illustrated DATE 12/9/16

REVISIONS

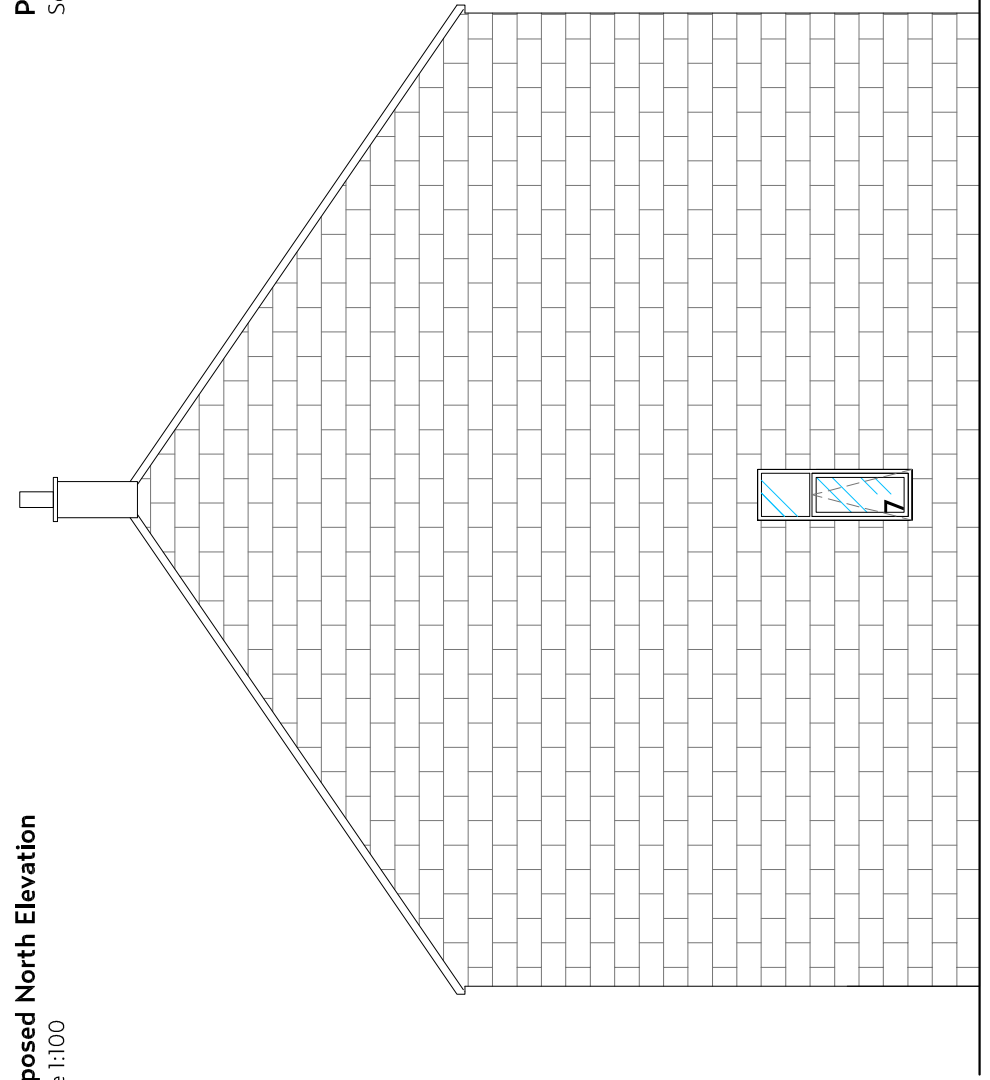
THIS DRAWING IS FOR ILLUSTRATION PURPOSES ONLY

SIGNED:.....DATE:.....



**Proposed North Elevation**  
Scale 1:100

**Proposed South Elevation**  
Scale 1:100



**Proposed West Elevation**  
Scale 1:100



home sweeter home

CLIENT Mr & Mrs Barnes  
29 Kings Gate  
Aberdeen

TELEPHONE 01224642231 POSTCODE AB15 4EL

PROJECT SPECIFICATION  
Proposed Replacement Windows

CONTRACT No 36207806 DRAWING No 002

DRAWING BY Grant Allan

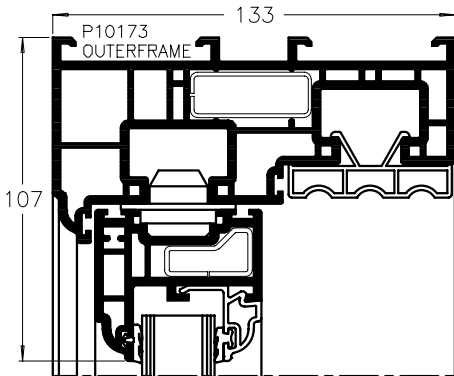
SCALE As illustrated DATE 12/9/16

REVISIONS

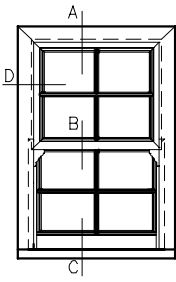
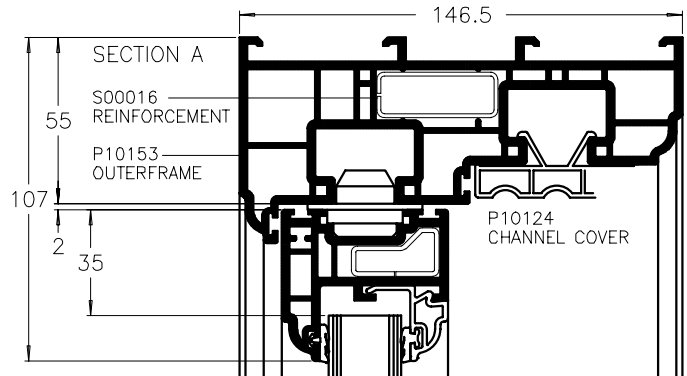
THIS DRAWING IS FOR ILLUSTRATION PURPOSES ONLY

SIGNED:.....DATE:.....

VERTICAL SLIDING WINDOW  
 SMALL SASH AND LARGE SASH WITH DEEP BOTTOM RAIL  
 EQUAL SPLIT



SECTION A



TO CALCULATE FINISHED SASH HEIGHTS.  
 TOP & BOTTOM SASH HEIGHT =  

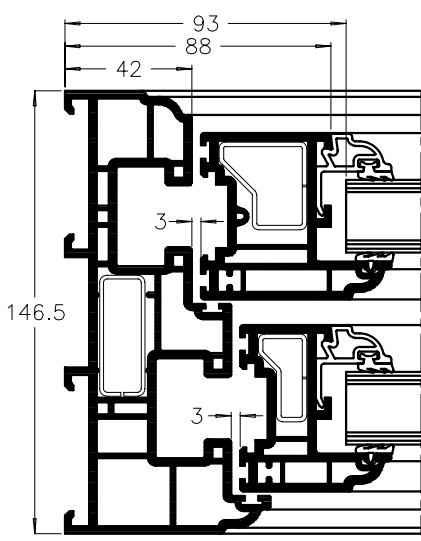
$$\frac{\text{OVERALL FRAME HEIGHT} - 97\text{mm} + 24\text{mm}}{2}$$

TO CALCULATE FINISHED SASH WIDTHS.  
 TOP SASH WIDTH =  

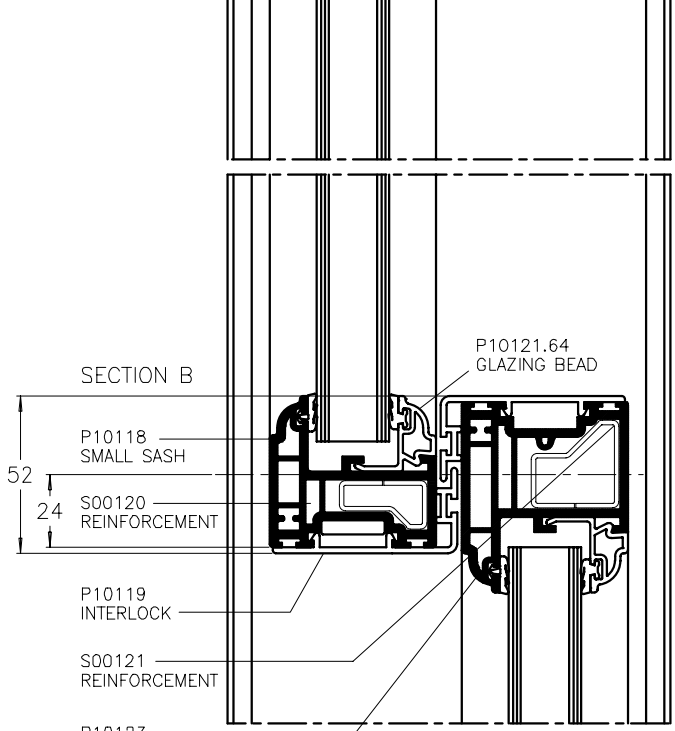
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BOTTOM SASH WIDTH =  

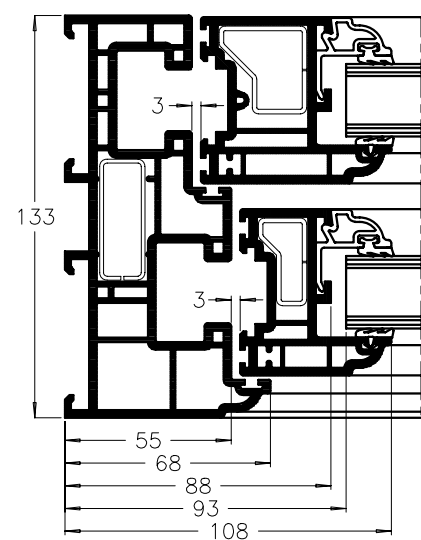
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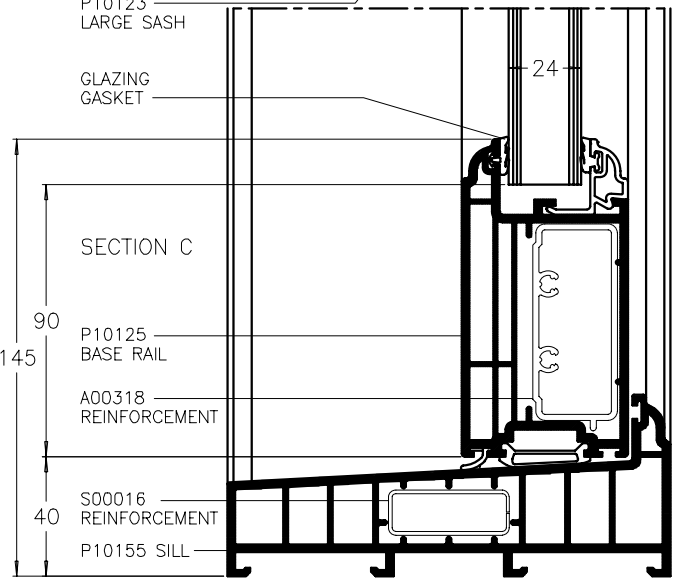
SECTION D  
 P10153  
 OUTERFRAME



SECTION B



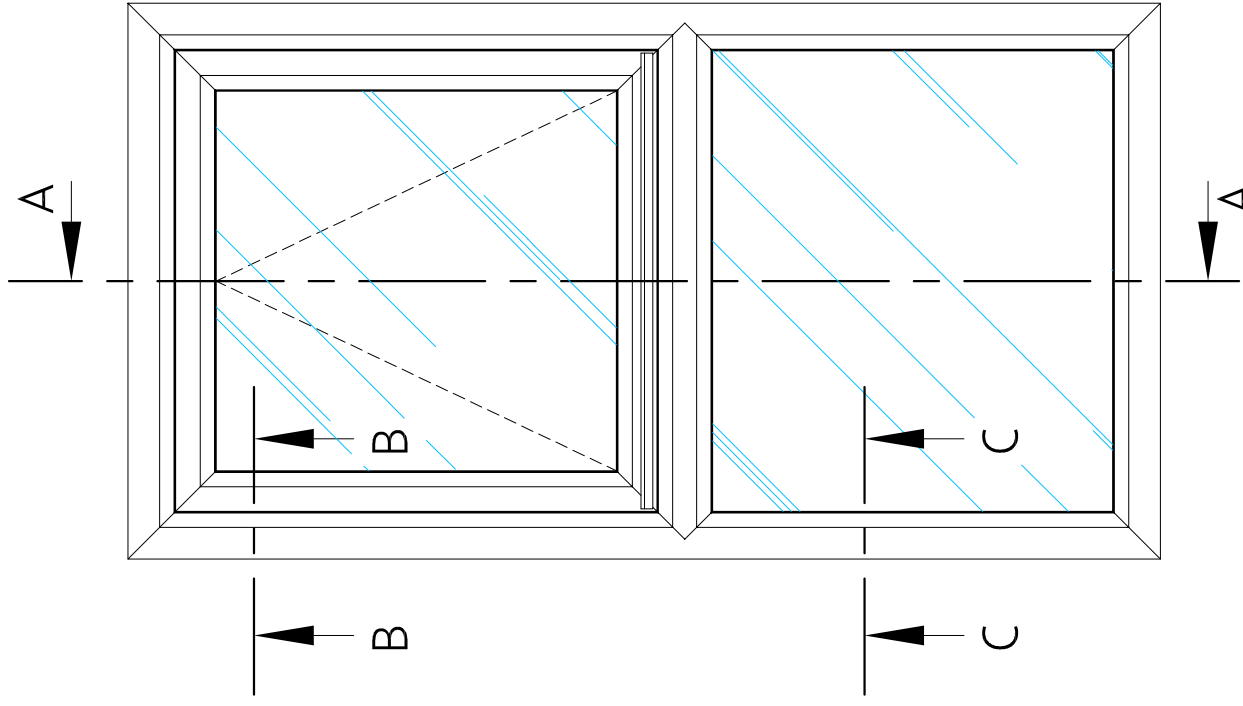
SECTION D  
 P10173  
 OUTERFRAME



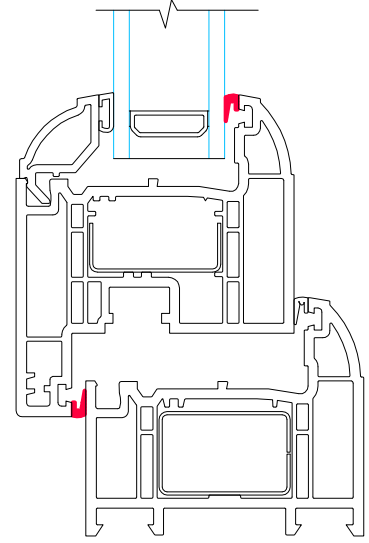
SECTION C



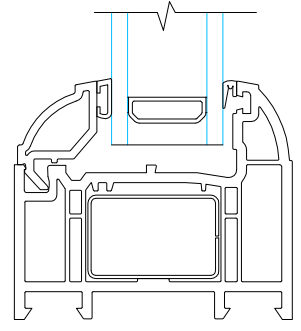




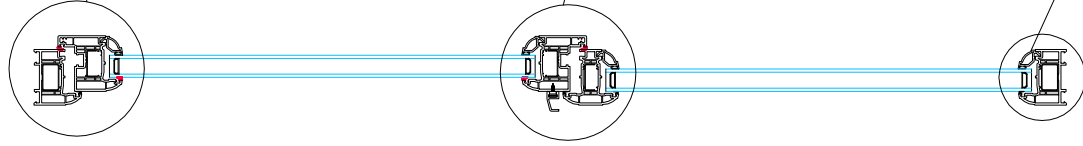
**Window Elevation**  
Scale 1:10



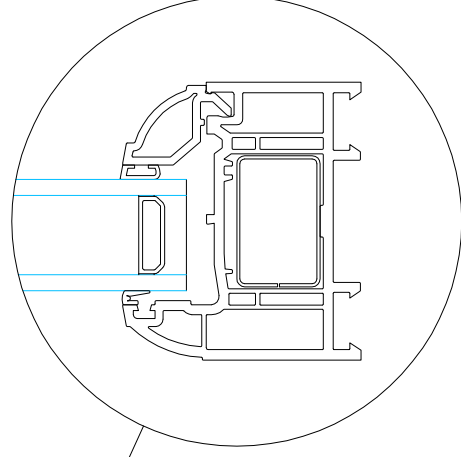
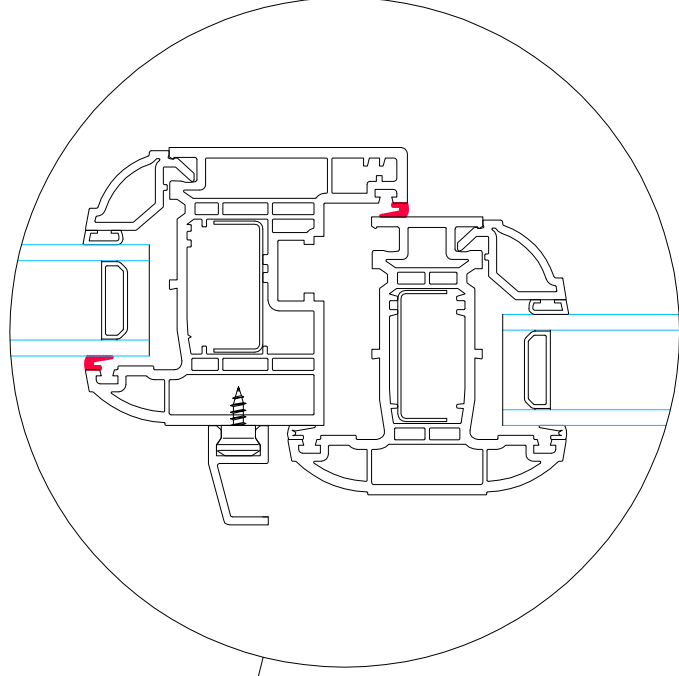
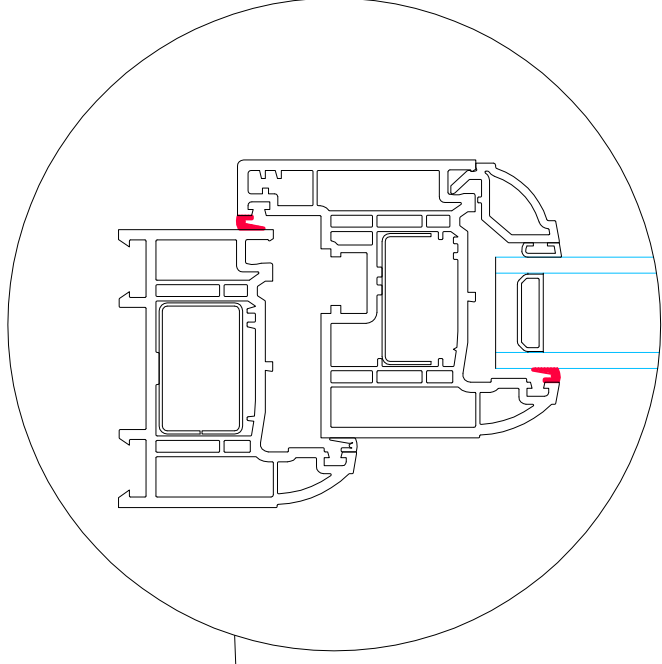
**Frame Detail (B-B)**  
Scale 1:2



**Frame Detail (C-C)**  
Scale 1:2



**Window Section (A-A)**  
Scale 1:10



**Window Details**  
Scale 1:2



**Lorimer PVCu Tilt  
over fixed pane**

DRAWING BY M. Faughnan DATE 16/12/13





Marischal college Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100025055-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

### Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Cr Smith"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Grant"/>	Building Name:	<input type="text" value="Cr Smith"/>
Last Name: *	<input type="text" value="Allan"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01383 732181"/>	Address 1 (Street): *	<input type="text" value="Gardeners Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Dunfermline"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="KY12 0RN"/>
Email Address: *	<input type="text" value="grant.allan@crsmith.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="C"/>	Building Number:	<input type="text" value="29"/>
Last Name: *	<input type="text" value="Barnes"/>	Address 1 (Street): *	<input type="text" value="Kings Gate"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="AB15 4EL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="29 KING'S GATE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 4EL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806246"/>	Easting	<input type="text" value="392035"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Replacement windows and door to dwelling house.

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Having looked through the portal and seeing that the street is full of uPVC, I noticed that there are a number of applications where uPVC sash and case were granted on the principle (front) elevation. These were are 21, 31, 33, and 23 King's Gate. It seems unfair and contradictory to refuse my clients application when similar proposals have been granted in the past.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Existing and Proposed Elevations New Lorimer Window Details KAT Sash and Case Window Details

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

161326/DPP

What date was the application submitted to the planning authority? \*

13/09/2016

What date was the decision issued by the planning authority? \*

09/12/2016

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Grant Allan

Declaration Date: 05/01/2017

