

Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Henrickson and Macdonald .

Town House,
ABERDEEN 21 May 2020

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **THURSDAY, 28 MAY 2020 at 9.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and thereafter published on the Council's website at the following [link](#)

B U S I N E S S

1.1 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

MEMBERS PLEASE NOTE THAT THE FOLLOWING LINK WILL TAKE YOU TO THE LOCAL DEVELOPMENT PLAN.

[Local Development Plan](#)

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

PLANNING ADVISER - GAVIN EVANS

2.1 **Graphix House, Wellington Circle - Partial Change of use from Office with Workshop to Restaurant (Class 3) with Hot Food Takeaway (Sui Generis) Including Installation of Fence with Gate and Associated Works - 191800 (Pages 7 - 26)**

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 27 - 62)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191800.

2.3 Planning Policies Referred to in Documents Submitted (Pages 63 - 64)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 65 - 80)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191800.

2.5 Determination - Reasons for Decision

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

2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

3.1 **16-18 Fountainhall Road - Erection of Two Storey Extension Including First Floor Terrace with Carpet Below; Installation of Replacement Garage to Rear; Formation of New Window Opening to Rear Gable; Installation of Replacement of Windows at Upper Floor; Alterations to Boundary Wall; and Landscaping Works in Front Curtilage to Create Garden Area and Parking Spaces - 191169 (Pages 81 - 106)**

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 107 - 130)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191169.

3.3 Planning Policies Referred to in Documents Submitted (Pages 131 - 132)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 133 - 162)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191169.

3.5 Determination - Reasons for Decision

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

3.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

4.1 **Site 2, Intown Road, Broadfold Road - Erection of Coffee Shop with 'Drive-Thru' (Sui Generis) and Associated Infrastructure and Landscaping Works - 191277 (Pages 163 - 186)**

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 187 - 252)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191277.

4.3 Planning Policies Referred to in Documents Submitted (Pages 253 - 254)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 255 - 314)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191277.

4.5 Determination - Reasons for Decision

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

4.6 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

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 522989

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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. The Committee clerk will confirm these reasons with the LRB, at the end of each case, in recognition that these will require to be intimated and publicised in full accordance with the regulations.

LOCAL REVIEW BODY

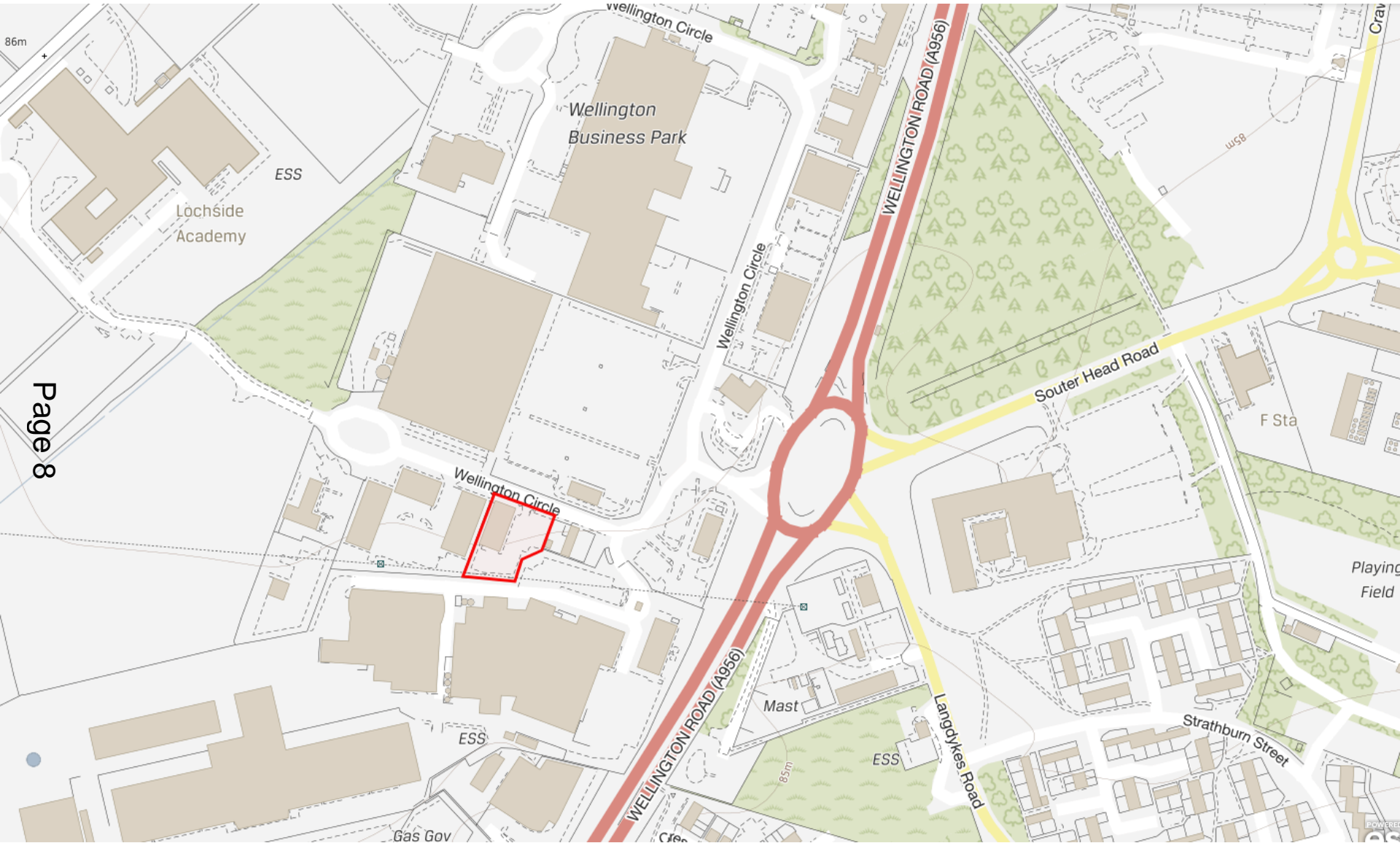


191800/DPP– Review against refusal of planning permission for:

Partial change of use from office with workshop to restaurant (class 3) with hot food takeaway (sui generis) including installation of fence with gate and associated works

Graphix House, Wellington Circle, Aberdeen

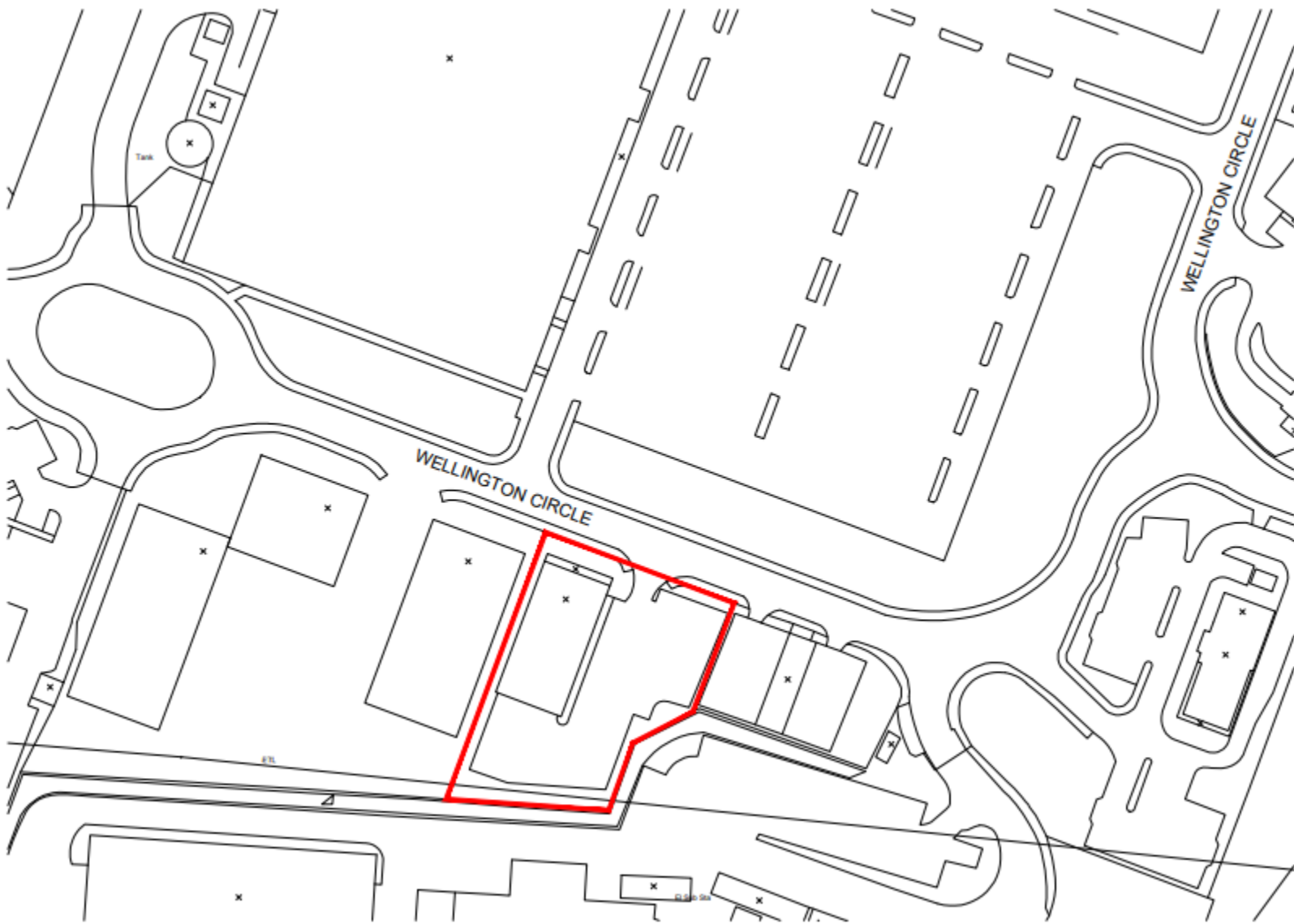
Location Plan



Location Plan



Location Plan

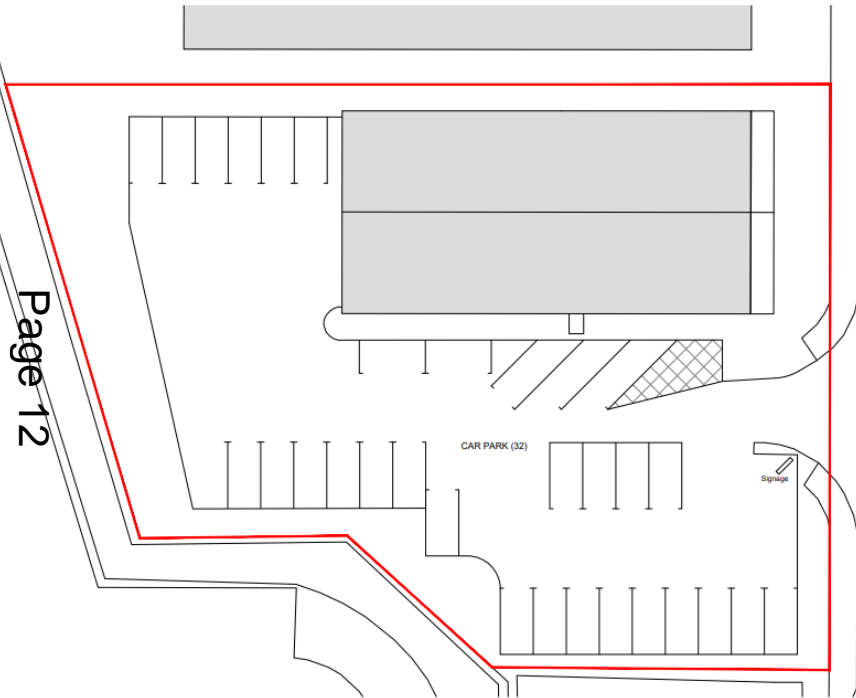


Street View image (March 2019)

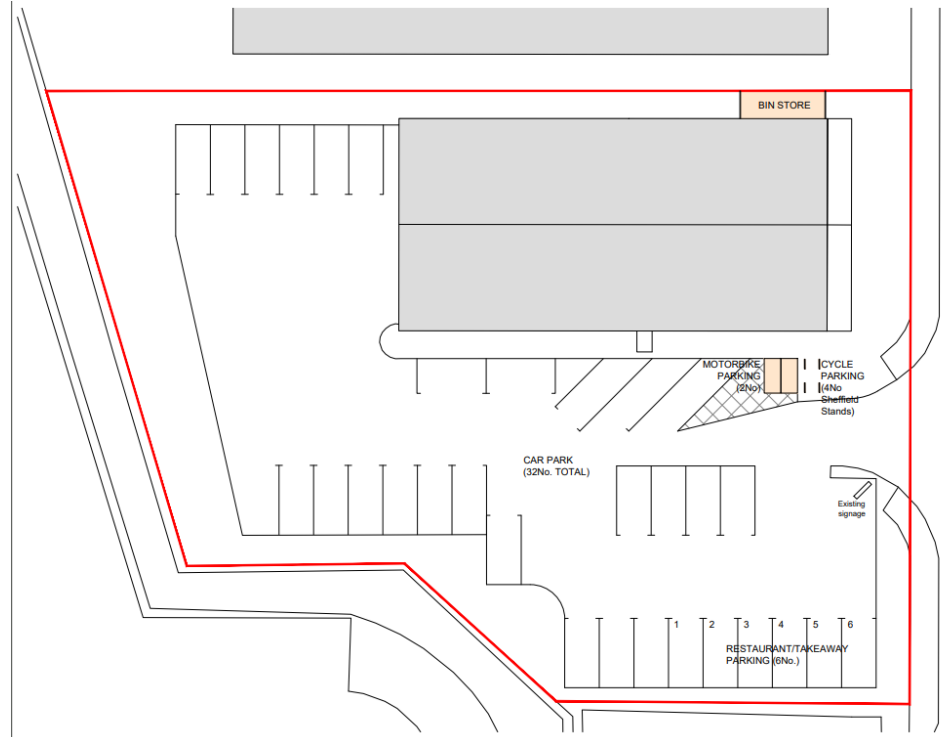


Existing and Proposed Site Plan

Page 12



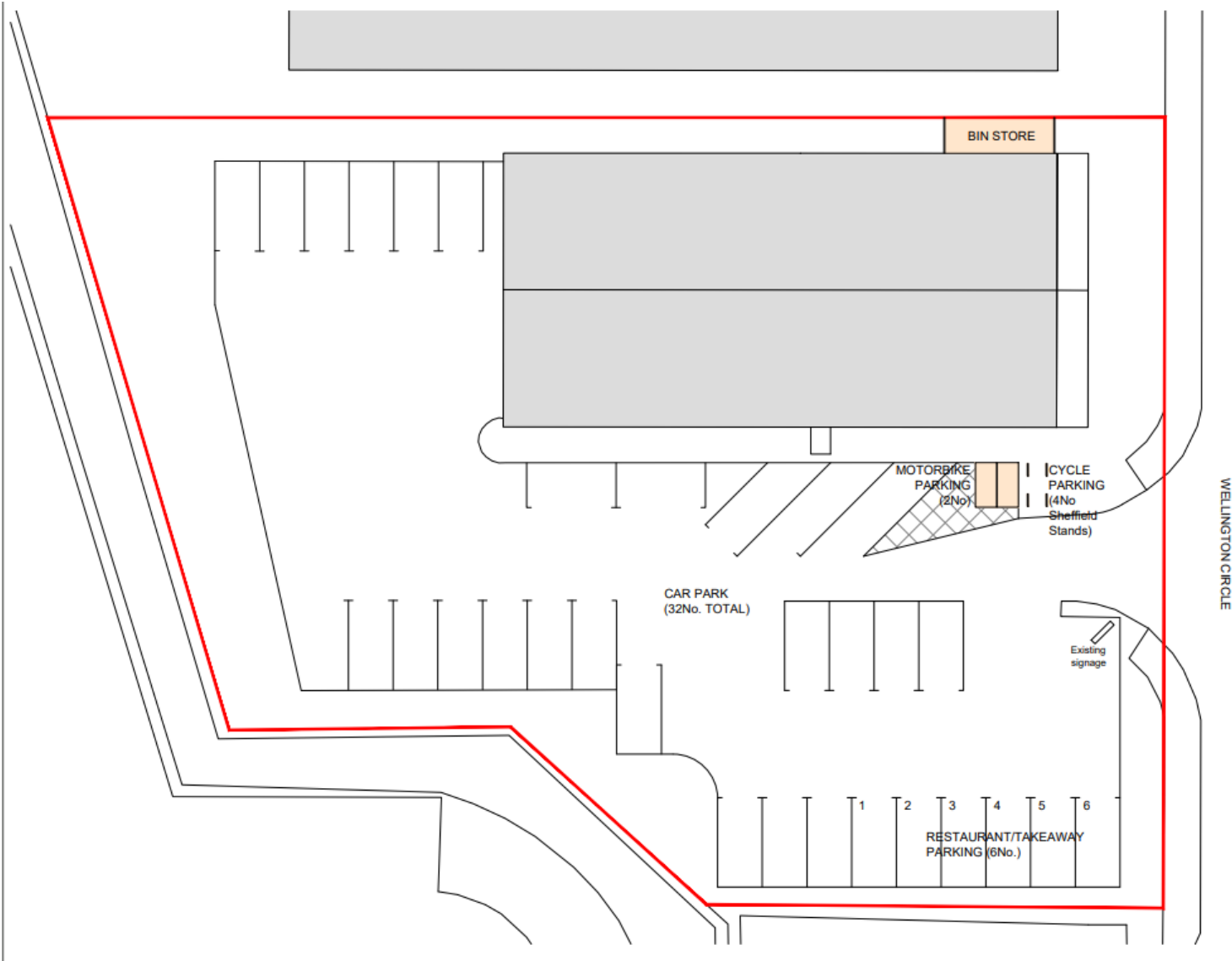
WELLINGTON CIRCLE



WELLINGTON CIRCLE

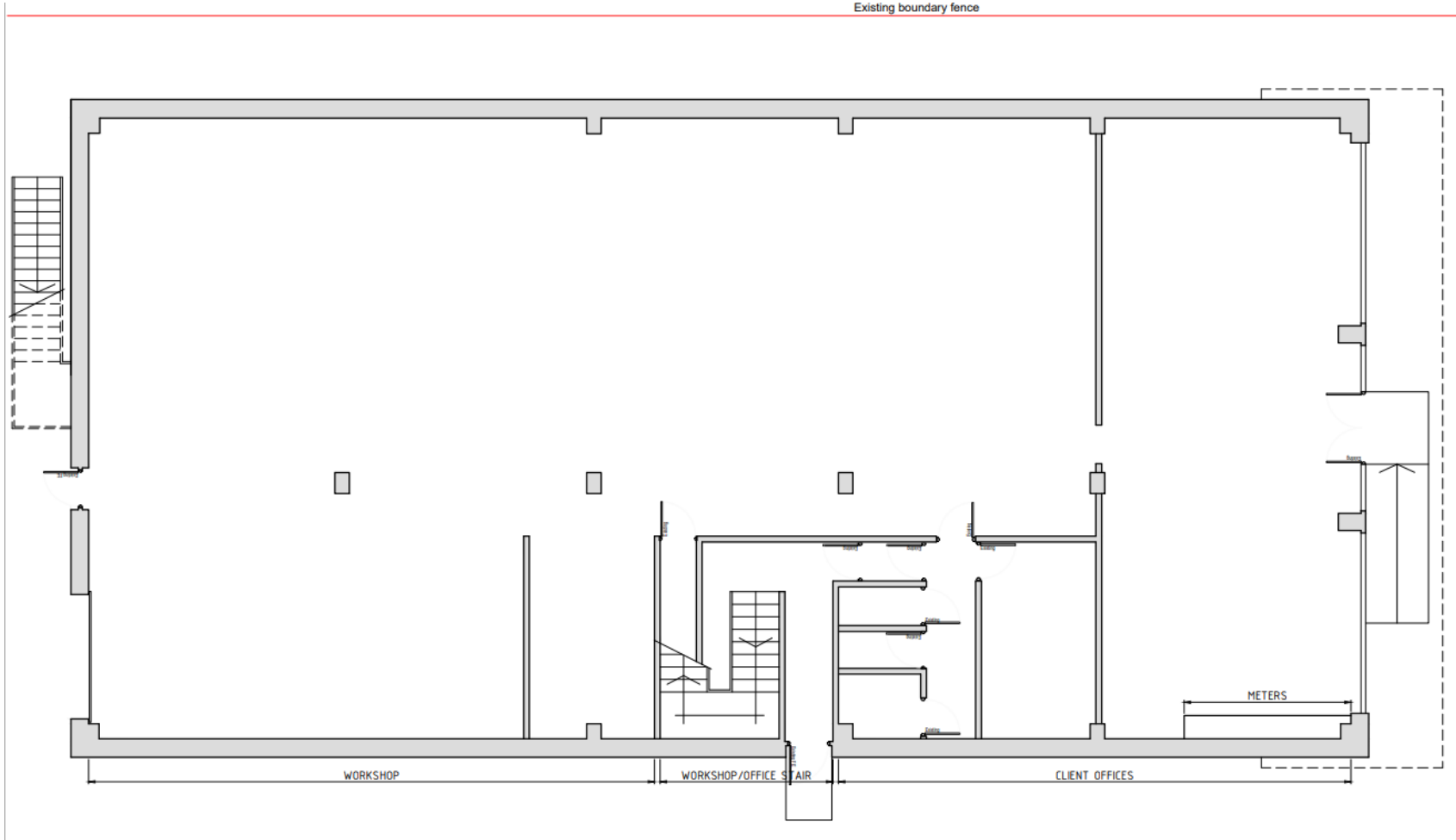
Proposed Site Plan

Page 13



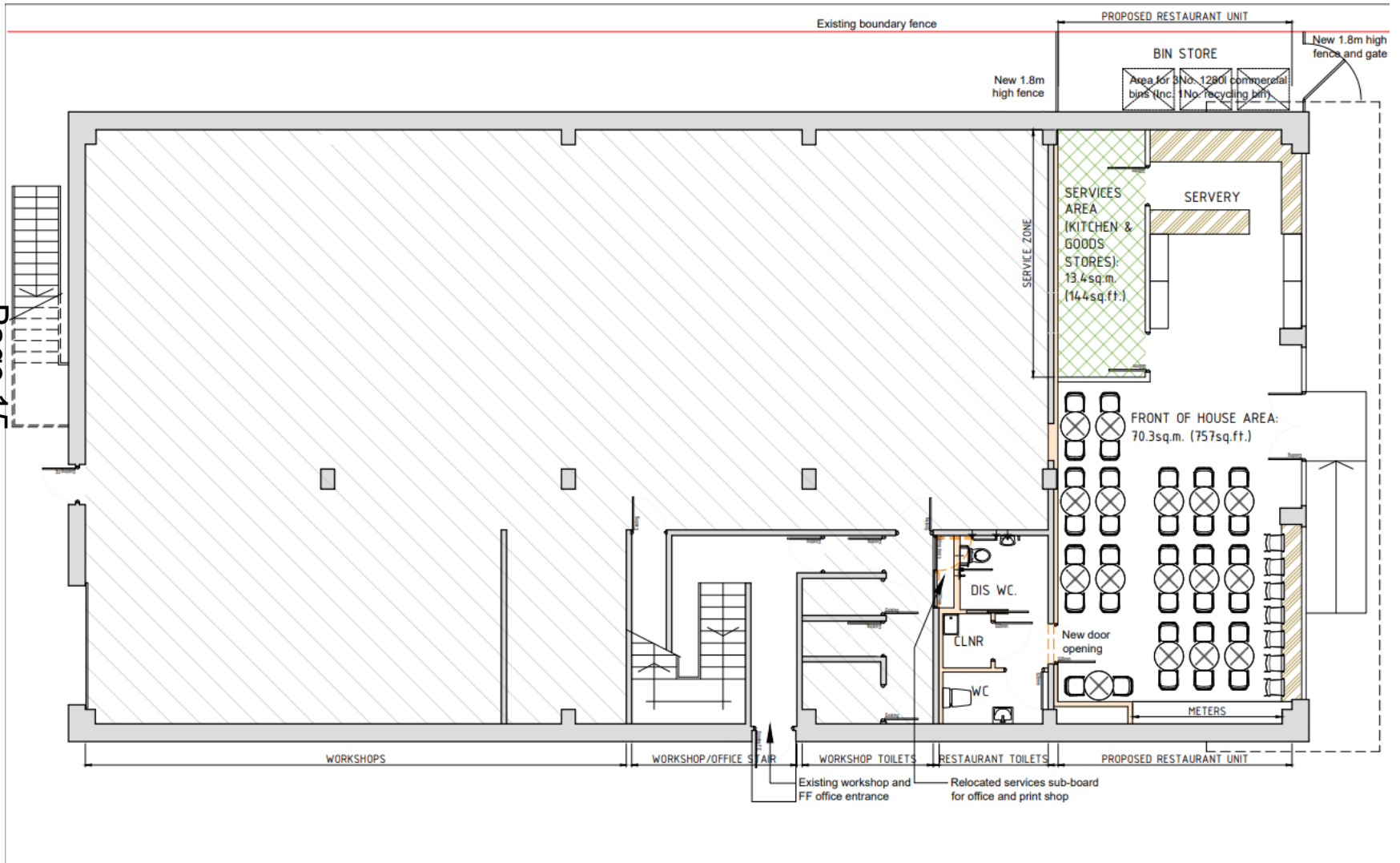
Existing Ground Floor

Page 14



Proposed Ground Floor

- Existing
- New wall/partition
- Downtakings



Page 15

Existing and Proposed North Elevation (to Wellington Circle)

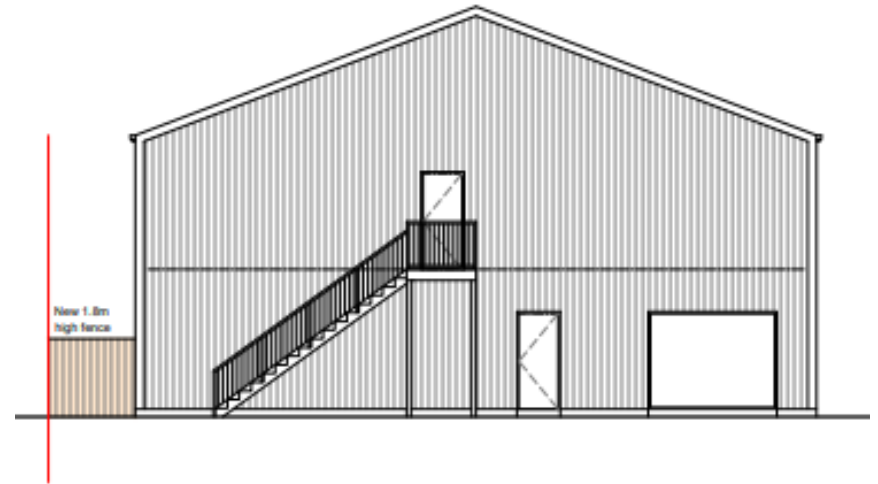
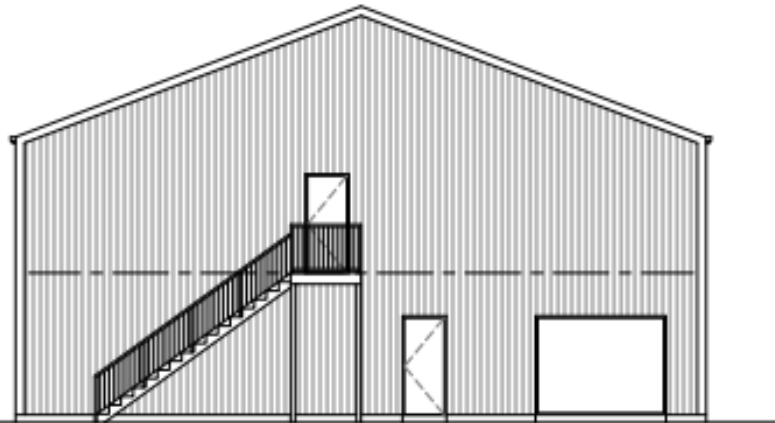
Page 16



- Note that a separate consenting regime exists for advertisements so, whilst shown on the plans, these are not within scope of this application
- 1.8m timber fence & gate added to enclose bin storage area

Existing and Proposed South Elevation

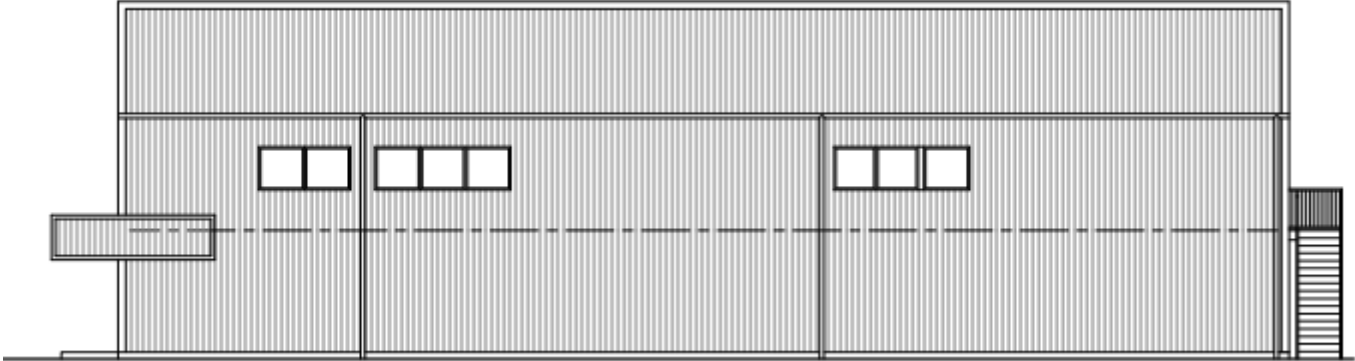
Page 17



- Only notable change is addition of 1.8m fence to enclose bin store (set much further back than gable of building)

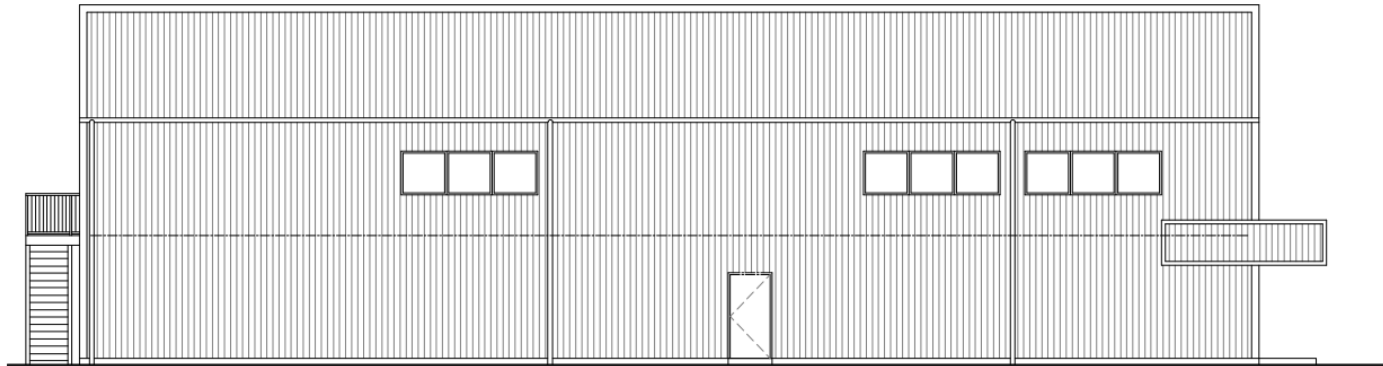
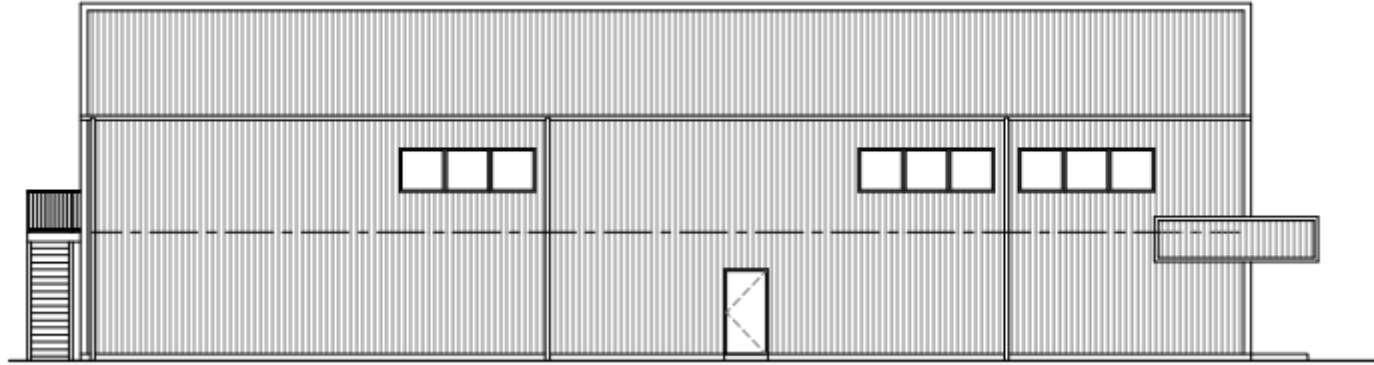
Existing and Proposed West (side) Elevation

Page 18



- Only notable change is storage area for commercial bins, with associated fencing

Existing and Proposed East (side) Elevation – visible on approach along Wellington Circle



Page 19

- No change

Reasons for Decision

The proposal fails to comply with the principle policy, Policy B1 - Business and Industrial Land, in that there is no requirement of this development and there is sufficient provision and range of food and drink establishments within the surrounding area to serve the existing business parks. In addition, the development, due to its location could detract from the viability and vitality of the existing city centre, which is against the requirements of Policy NC4 - Sequential Approach and Impact, Policy NC5 - Out of Centre Proposals of the Aberdeen Local Development Plan 2017.

Policy B1 (Business and Industrial Land)

Policy B1 - Business and Industrial Land

Aberdeen City Council will in principle support the development of the business and industrial land allocations set out in this Plan.

Land zoned for business and industrial uses on the Proposals Map, including already developed land, shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types. Other uses which may be suited to a business and industrial location, such as car showrooms and bus depots, shall be treated on their own merits. The expansion of existing concerns and uses within these locations will be permitted in principle.

Where business and industrial areas are located beside residential areas we will restrict new planning permissions to Class 4 (Business). Buffer zones, which are appropriately sized and landscaped, may be required to separate these uses and safeguard residential amenity. Low amenity 'bad neighbour' uses must have regard to surrounding uses and their potential impact on the environment and existing amenity. In all cases, conditions may be imposed restricting levels of noise, hours of operation and external storage.

New business and industrial land proposals shall make provision for areas of recreational and amenity open space, areas of strategic landscaping, areas of wildlife value and footpaths, in accordance with the Council's Open Space Strategy, Supplementary Guidance and any approved planning briefs or masterplans. Within existing business and industrial areas, there shall be a presumption in favour of retaining existing open space.

Facilities that directly 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.

- To be retained for uses in classes 4, 5 and 6 (business; general industrial; and storage and distribution)
- Facilities that directly 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 – would the proposed use serve a much wider catchment?

Policy NC4 (Sequential Approach) & NC5 (Out of Centre Proposals)

- NC4 sets out a sequential approach to the location of *'significant footfall generating development appropriate to town centres'*
- General requirement is to locate such uses within existing centres identified in the plan, appropriate to the scale and catchment of the development
- Siting uses on the edge of an existing centre will only be permitted where no suitable site is available within the centre

Policy NC4 (Sequential Approach) & NC5 (Out of Centre Proposals)

- NC5 addresses proposals that involve locating significant footfall generating uses appropriate to designated centres in out-of-centre locations
- States that such proposals will be refused unless all of the following criteria are satisfied:
 1. no other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time.
 2. there will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance.
 3. there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.
 4. the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.
 5. the proposed development would have no significantly adverse effect on travel patterns and air pollution.

Policy D1 (Quality Placemaking by Design)

Policy D1 - Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

- Does the proposal represent a high standard of design and have strong and distinctive sense of place?

Points for Consideration:

Zoning: Do members consider that the proposed use is permitted by the terms of policy B1 – i.e. would this development *‘enhance the attraction and sustainability of the city’s business and industrial land’* and would it cater principally for the needs of the businesses and employees within the business and industrial area (or serve a larger catchment area)?

Retail Impact: Do members consider that the proposal represents a *“significant footfall generating development appropriate to town centres”*? If so, policies NC4 and NC5 apply –has the necessary supporting evidence been provided to demonstrate that the proposal meets the criteria specified in NC4 and NC5, relating to the location of significant footfall generating development?

Design: Is the proposal of sufficient design quality (D1) - *note relatively little change externally.*


1. Does the proposal comply with the Development Plan when considered as a whole?

2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	Graphix House, Wellington Circle, Aberdeen, AB12 3JG.
Application Description:	Partial change of use from office with workshop to restaurant (class 3) with hot food takeaway (sui generis) including installation of fence with gate and associated works
Application Ref:	191800/DPP
Application Type:	Detailed Planning Permission
Application Date:	5 December 2019
Applicant:	XIC Ltd
Ward:	Kincorth/Nigg/Cove
Community Council:	Nigg
Case Officer:	Aoife Murphy

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site is located to the south of Aberdeen and within the existing Wellington Business Park. The site itself accommodates an existing building, over 2 floors containing both a workshop and ancillary offices and a car park. The site is bounded by the public road, Wellington Circle to the north, with a retail park beyond which comprises units such as Ikea, Makro, Pure Gym and Starbucks. A number of other business/industrial buildings are located to the south and west with an existing compound to the east.

Access is gained from the existing entrance along the northern boundary off Wellington Circle.

Relevant Planning History

None relating to the site.

Two applications are currently pending consideration to the north of Wellington Circle, one directly across from this site, for the erection of two retail units (191588/DPP) and another within the car park which is for the erection of restaurant and drive thru takeaway (191857/DPP).

APPLICATION DESCRIPTION

Description of Proposal

A part change of use is sought for the northern part of the ground floor of an existing building to a restaurant and hot food takeaway. The ground floor would accommodate a kitchen/servery area, seating area, 2 WC's and a store.

No external alterations are proposed to any elevation, but a new fence/gate and bin store is

proposed on the west elevation, with access to the area being gained off Wellington Circle.

New signage is shown on the northern elevation of the submitted plans, but that cannot be assessed under this application and would need to be assessed on its own merits.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q1ZLEJBZLMQ00>

- Planning Statement, December 2019
- Planning Response regarding concerns raised by Nigg Community Council, January 2019

CONSULTATIONS

ACC - Environmental Health – has no objection. However, a condition will be required requesting information on the proposed ventilation system.

ACC - Roads Development Management Team – has no objection to the proposal. In light of further detail regarding the parking and refuse collection, the Team has advised they are satisfied with the proposal.

ACC - Waste Strategy Team – has no objection, but has provided general comments regarding waste facilities from business premises.

Aberdeen International Airport – has no objection. The development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

Nigg Community Council – has objected to the proposal and has raised concerns regarding road safety, over provision of facilities and a traffic increase.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017)

Policy D1 - Quality Placemaking by Design

Policy NC4 - Sequential Approach and Impact

Policy NC5 - Out of Centre Proposals

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy T5 - Noise

Policy B1 - Business and Industrial Land

Policy B4 - Aberdeen Airport

Policy R6 - Waste Management Requirements for New Development

Supplementary Guidance

Transport and Accessibility

EVALUATION

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

This development is not considered to be a strategic proposal that requires cross-boundary consideration, it does therefore not require a detailed assessment against the SDP.

Principle of Development

Policy B1 – Business and Industrial Land is required to establish the principle of development in this instance, B1 advises that the Council will in principle support the development of the business and industrial land for uses that fall within Class 4, 5 and 6 of the order. As mention above, this proposal seeks permission for a mixed class development, which consists of Class 3 and Sui Generis.

However, the Policy B1 goes on to state that facilities that directly 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. It is under this criteria of Policy B1 that this application will be assessed.

The applicant has submitted a supporting statement that advises that the company, XIC Ltd, a digital print company, has operated from this premises for approximately 20 years. Due to digitisation, the amount of office space required for this business has significantly reduced. As such, part of the building is now let to other business, with further floor space currently on the market. However, the planning authority has been advised that no viewings for this space has taken place since it went on the market in May 2019. The supporting statement also advises that due to the change in customer habits the reception area is now redundant for its intended use, with little prospect of this area being let for a business and industrial use.

The supporting statement also advises that the proposed change of use would provide a new

facility to support the surrounding uses, while also providing trade for the existing football stadium.

An objection has been received from Nigg Community Council which highlights concerns of overprovision of developments such within the surrounding area.

Upon reviewing the supporting statement and from carrying out a site visit, it is considered that there is an existing provision of food outlets in the surrounding area, such as Starbucks, Burger King, Shell petrol station and small café within Ikea, as well as a Sainsbury's located on Wellington Road and existing hotels, all not far from the site. In light of this, it is considered that there is sufficient provision within the surrounding area to serve the existing business parks, as such there is no necessity for this development.

Given the nature of the development, the application also requires to be assessed against Policy NC4 - Sequential Approach and Impact and Policy NC5 - Out of Centre Proposals. Both policies advise that they apply to new development that would create a significant footfall. While this development would not be of a scale that it would be considered to generate a significant footfall, it when combined with the numerous other developments of this nature in the surrounding area could potentially have a lasting impact on the viability and vitality of the existing city centre or indeed any other type of centre due to a lack of trade.

While the planning authority can see from the submitted information that part of the existing building is no longer required for XIC Ltd, that does not necessarily mean in time the building could not be let for an appropriate use within Class 4, 5 or 6. As such, the change of use would result in the partial loss of a business and employment building. It is also considered that there is sufficient provision within the surrounding area to serve the existing business park. Finally, there are concerns that a development such as this could detract from the city centre and therefore affect its viability and vitality. In light of the above, the development fails to comply with Policy B1 – Business and Industrial Land, as such the principle of development cannot be supported by the planning authority.

Amenity

In terms of amenity, the aspect to be considered in this instance is ventilation. However, given that there is no proposed end user for the premises, no information on the type of system to be installed has been supplied. The Council's Environmental Service has been consulted and the Service is satisfied that this information could be secured by condition if the application were approved.

With regards to noise, given the development's location within an existing business park and not beside any residential premises, it is not considered necessary to request a Noise Impact Assessment as per the requirements of Policy T5 - Noise.

Access and Parking

Under Policies T2 and T3, commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

The Roads Development Management Team have reviewed the proposal in terms of parking requirements and a development of this size requires 3 spaces for the proposed use. However, as noted in the supporting statement the applicant has proposed 6 car parking spaces, 2 motorcycle spaces and 4 bicycle spaces within the existing car park. A survey of the car park was undertaken and the applicant advises that generally 13 spaces are vacant within the existing car park. Therefore, it is considered that utilising existing parking spaces for the proposed development would not have any undue impact on the existing parking situation. Further to this, the Roads Team has requested information regarding the demarcating of these spaces, to which

the applicant as advised that signs will be used. It would be considered necessary to condition this aspect, if permission were to be approved, to ensure that the required number of parking spaces are in place prior to the proposed use coming into operation.

However, there is a concern that the provision of parking would result in the development serving businesses outwith the existing business parks, which would not be in compliance with Policy B1, outlined above. While, this is not an issue in respect of Policy T2, it is a consideration in respect of the overall proposal.

In respect of Policy T3, the promotion of sustainable travel is considered necessary. As mentioned above, the site will provide cycle parking and is accessible via bus routes serving Wellington Road. In addition, given its location within the Business Park the site is also accessible by walking.

Nigg Community Council also raised concerns regarding road safety as a result of this development and other developments currently being assessed by the planning authority. It should however be noted that the Council's Roads Teams raised no concerns regarding these aspects and therefore find that the site can be safely accessed. Further to this, Wellington Circle has a speed limit of 20mph due to the proximity to Lochside Academy. With regards to an increase in traffic, given that the development is proposed to serve the existing business would be centrally located, the site could be easily accessed via other sustainable modes of transport such as cycling and walking.

In terms of traffic increase as a result of this proposed development as well as those pending consideration (191588/DPP and 191857/DPP), while cumulative impact is a consideration, it was not raised as an issue by Roads Development Management in respect to this development. When assessing this development on its own merit, due to its scale, it is not considered that there would be a large increase in traffic that will affect the safe operation of the existing roundabout with the A956.

Details of the proposed waste collection was also requested by the Roads Team, the applicant advised that access to the bin store can be gained off Wellington Circle and there is adequate space for the bin lorry to carry out its operations.

Other Technical Matters

The site falls within the Airport safeguarding area, as such the Airport has been consulted. It has advised that this development has no conflict with safeguarding criteria. As such the proposal complies with Policy B4 - Aberdeen Airport.

Policy R6 - Waste Management Requirements for New Development requires all new development to provide sufficient space for waste storage. As mentioned above, provision has been made for a bin store to the west of the existing building which can be accessed off Wellington Circle. The Waste Strategy Team has provided general comments regarding the required facilities for a business premises and Roads Development Management have advised that they have no concerns regarding the proposed waste facilities. It is therefore considered the proposal complies with the above policy.

Conclusion

While the development complies with some policies of the Aberdeen Local Development Plan 2017, the overarching issue is that the proposal fails to comply with Policy B1, in that there is sufficient provision and range of food and drink establishments to serve the existing business parks. As such, there is no requirement for this development at this time. In addition, the development could also result in an impact on the viability and vitality of the existing city centre or indeed any other type of centre identified in the local development plan. In light of this the

planning authority are unable to support the principle of development and is therefore recommending the application be refused.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal fails to comply with the principle policy, Policy B1 - Business and Industrial Land, in that there is no requirement of this development and there is sufficient provision and range of food and drink establishments within the surrounding area to serve the existing business parks. In addition, the development, due to its location could detract from the viability and vitality of the existing city centre, which is against the requirements of Policy NC4 - Sequential Approach and Impact, Policy NC5 - Out of Centre Proposals of the Aberdeen Local Development Plan 2017.



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North 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 100210932-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

PARTIAL CHANGE OF USE OF OFFICE/WORKSHOP RECEPTION TO RESTAURANT (CLASS 3) AND TAKEAWAY (SUI GENERIS)

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

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:	Albyn Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ian	Building Name:	
Last Name: *	McGregor	Building Number:	267A
Telephone Number: *	07739309473	Address 1 (Street): *	Westburn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB25 2QH
Email Address: *	ian@albynarchitects.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Graphix House
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Wellington Circle
Company/Organisation	XIC Ltd	Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB12 3JG
Fax Number:			
Email Address: *	info@xic.com		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Graphix House
Wellington Circle
Aberdeen
AB12 3JG

Northing

802006

Easting

394311

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

2269.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Office/Workshop Reception

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Bin store, including recycling, shown on plan

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

70

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Ian McGregor

On behalf of: XIC Ltd

Date: 04/12/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Ian McGregor

Declaration Date: 04/12/2019

Payment Details

Online payment: ABSP00004686

Payment date: 04/12/2019 11:08:00

Created: 04/12/2019 11:08

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Ian McGregor
Albyn Architects
267A Westburn Road
Aberdeen
AB25 2QH

on behalf of **XIC Ltd**

With reference to your application validly received on 5 December 2019 for the following development:-

**Partial change of use from office with workshop to restaurant (class 3) with hot food takeaway (sui generis) including installation of fence with gate and associated works
at Graphix House, Wellington Circle**

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:

Drawing Number	Drawing Type
201 Rev A	Multiple Elevations (Proposed)
001	Location Plan
101	Site Layout (Proposed)
102	Ground Floor Plan (Proposed)
103	First Floor Plan (Proposed)

REASON FOR DECISION

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

The proposal fails to comply with the principle policy, Policy B1 - Business and Industrial Land, in that there is no requirement of this development and there is sufficient provision and range of food and drink establishments within the surrounding area to serve the existing business parks. In addition, the development, due to its location could detract from the viability and vitality of the existing city centre, which is against the requirements of Policy NC4 - Sequential Approach and Impact, Policy NC5 - Out of Centre Proposals of the Aberdeen Local Development Plan 2017.

Date of Signing 13 February 2020

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive style.

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.

Notices of review submitted by post should be sent to Strategic Place Planning (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.

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Aoife Murphy

From: Barbara Armstrong-Hill
Sent: 16 January 2020 11:48
To: Aoife Murphy
Subject: RE: 191800/DPP

Aoife

Yes, this is a common issue with these types of applications. Yes, a condition will suffice.

Regards



Barbara Armstrong-Hill | Senior Authorised Officer
Aberdeen City Council | Operations and Protective Services | Operations
3rd Floor South | Marischal College | Broad Street | Aberdeen | AB10 1AB

Direct Dial: 01224 522064
www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

To view our privacy notice and find out more on how we use your information go to
<https://www.aberdeencity.gov.uk/your-data/privacy-notice/your-data-environmental-health-and-trading-standards>

Do you have any feedback on the Environmental Health Service received? The Service would like to hear about what it is doing right and what could be improved. Feedback can be provided through the attached survey link and does not take more than a few minutes to complete.

www.surveymonkey.co.uk/r/EnviroProt

From: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Sent: 13 January 2020 14:03
To: Barbara Armstrong-Hill <BaHill@aberdeencity.gov.uk>
Subject: FW: 191800/DPP

Good Afternoon Barbara,

I write with regards to the above application at Graphix House, Wellington Circle and your comments requesting information on the extract ventilation. The email below from the agent, specifically the first point, states that they do not have an end user for the unit and therefore do not know what type of system would be required. I'm just looking at possible solutions, therefore would a condition suffice in this instance that would request that information be submitted prior to the unit becoming operational?

Regards,

Aoife



Aoife Murphy | Senior Planner
Aberdeen City Council | Development Management | Strategic Place Planning | Place

Direct Dial: 01224 52 2156

Planning Support: 01224 52 3470 | Email: pi@aberdeencity.gov.uk

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

From: Ian McGregor <ian@albynarchitects.co.uk>

Sent: 13 January 2020 13:43

To: Aoife Murphy <AMurphy@aberdeencity.gov.uk>

Subject: RE: 191800/DPP

Hi Aoife,

I just left you a voicemail, as I was hoping to have a quick chat about this application. However, I can summarise the main points, as follows: -

Environmental

Regarding your email, below, would it be possible to deal with this as a condition of planning? There is no end user lined up as and there isn't likely to be one in place until planning permission has been obtained.

Parking

Although we have indicated the spaces on the site plan, would there be a particular way in which roads would want the spaces to be demarcated?

Waste Collection

The waste collection is currently carried out at the rear of the building. The proposal would be for the waste collection to be carried out at the rear, the truck can then pull up in line with the front door, to allow collection of the new bins.

Objections

While we don't feel the objection from Nigg Community Council has raised any valid concerns, we can prepare a response if required.

Please feel free to contact to me, to discuss. The best number to get me on is 01224 630163

Regards

Ian McGregor

Director / Architect

PLEASE NOTE THAT WE HAVE A NEW TELEPHONE NUMBER AND OFFICE ADDRESS

Albyn Architects | Design · Build · Manage | 01224 630163 | 07739 309473 | albynarchitects.co.uk

From: Aoife Murphy <AMurphy@aberdeencity.gov.uk>

Sent: 08 January 2020 14:58

To: Ian McGregor <ian@albynarchitects.co.uk>

Subject: 191800/DPP

Good Afternoon,

With regards to the above application, you are aware that Environmental Health have commented on the proposal and are looking for further information regarding the commercial LEV equipment to be used within the new

restaurant/take-away and the concerns they have regarding the potential impact on amenity of neighbouring residents. More specifically the officers are looking for a suitable extract ventilation assessment in line with relevant guidance. Is there an end user in mind and do you have information on the type of ventilation equipment that would be used within the premises?

Regards,

Aoife



Aoife Murphy | Senior Planner

Aberdeen City Council | Development Management | Strategic Place Planning | Place Marischal College | Ground Floor North | Broad Street | Aberdeen | AB10 1AB

Direct Dial: 01224 52 2156

Planning Support: 01224 52 3470 | Email: pi@aberdeencity.gov.uk

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

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Aberdeen City Council – Development Management Consultation Request

From: Aoife Murphy	Date: 5 December 2019
Email: AMurphy@aberdeencity.gov.uk	Ref: 191800/DPP
Tel.: 01224 522156	Expiry Date: 26 December 2019

Detailed Planning Permission

**191800/DPP: Partial change of use from office with workshop to restaurant (class 3) with hot food takeaway (sui generis) including installation of fence with gate and associated works at Graphix House
Wellington Circle
Aberdeen
AB12 3JG**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=Q1ZLEJBZLMQ00>

Please select one of the following

No observations/comments.	
Would make the following comments (please specify below).	√
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	
Object to the application (please specify reasons below).	

COMMENTS

With regard to the above detailed planning permission application an environmental health assessment was carried out.

There is no information included with the application as to what type of food is to be offered at the food outlet. Due to the location of the premises and nature of neighbouring properties, the proposed development has potential for a significant adverse impact on the amenity of the occupants of neighbouring local residences from potential odour associated with the proposal.

It is therefore requested that prior to the installation of any commercial LEV equipment a suitable extract ventilation assessment in line with relevant guidance for example, the EMAQ guidance document 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (or equivalent as demonstrated) and associated references, by a competent person must be carried out. This assessment must ascertain the predicted impacts of odour associated with the specific type and

level of cooking activities to be undertaken and fully demonstrate the effectiveness of any proposed mitigation measures to; filter, neutralise, extract and disperse cooking fumes produced at the premises. A suitable report detailing this assessment and its findings must be submitted and approved by the Environmental Health Service.

Responding Officer: Barbara Armstrong-Hill

Date: 16/12/19

Email: bahill@aberdeencity.gov.uk

Ext: 2064

Please note: Unless agreed with the Case Officer, should no response be received by the expiry date specified above it will be assumed your Service has no comments to make.

Should further information be required, please let the Case Officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

Consultee Comments for Planning Application 191800/DPP

Application Summary

Application Number: 191800/DPP

Address: Graphix House Wellington Circle Aberdeen AB12 3JG

Proposal: Partial change of use from office with workshop to restaurant (class 3) with hot food takeaway (sui generis) including installation of fence with gate and associated works

Case Officer: Aoife Murphy

Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: slynch@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the partial change of use from office with workshop to restaurant (class 3) with hot food takeaway, including the installation of fence with gate and associated works.

The site is located on Wellington Circle, Aberdeen. This is in the outer city, outwith any controlled parking zone.

The change of use would be for approximately 85m², from an office reception area to a food takeaway. Our standards dictate that the maximum parking provision for an office is 1 per 30m², and a take away is 1 per 25m², so there is a marginal change from a requirement of 2.8 spaces to 3.4, which in both cases equates to ~ 3 spaces.

The applicant has allocated 6 spaces from the existing bank of parking for the takeaway, noting that they've undertaken an informal survey and that 13 spaces are generally vacant at any given time. As such, allocating 6 spaces to the take away should have no adverse affect on the existing office use.

The applicant is also proposing 2 motorcycle parking bays, as well as 4 short stay cycle parking bays - both of which are welcomed.

I note that the bin store is proposed near wellington circle and I assume that refuse collection will be done from Wellington Circle. Can the applicant confirm that this is the case?

I would query how the takeaway parking spaces are to be demarked?

Upon receipt of the requested information I will be better placed to provide a comprehensive Roads response.

Aoife Murphy

From: Scott Lynch
Sent: 15 January 2020 13:54
To: Aoife Murphy
Subject: RE: 191800/DPP

Aoife,

That'd be good! No further Roads concerns.

Scott

From: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Sent: 15 January 2020 12:13
To: Scott Lynch <SLynch@aberdeencity.gov.uk>
Subject: FW: 191800/DPP

Hi Scott,

Please see below from the agent regarding the parking spaces within the existing car park. In light of this and the associated information regarding the collection of waste from Wellington Circle, are Roads now satisfied with the development?

Please note that with regards to the signs for parking spaces, this can be conditioned, if required, to ensure they are put in place.

Regards,

Aoife



Aoife Murphy | Senior Planner
Aberdeen City Council | Development Management | Strategic Place Planning | Place
Marischal College | Ground Floor North | Broad Street | Aberdeen | AB10 1AB

Direct Dial: 01224 52 2156
Planning Support: 01224 52 3470 | Email: pi@aberdeencity.gov.uk
www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

From: Ian McGregor <ian@albynarchitects.co.uk>
Sent: 15 January 2020 10:57
To: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Subject: RE: 191800/DPP

Morning Aoife,

I have spoken to the client and they have advised that they plan to demarcate the parking spaces with signage.

Let me know if there is anything else you need.

Regards

Ian McGregor
Director / Architect

PLEASE NOTE THAT WE HAVE A NEW TELEPHONE NUMBER AND OFFICE ADDRESS

Albyn Architects | Design · Build · Manage | 01224 630163 | 07739 309473 | albynarchitects.co.uk

From: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Sent: 14 January 2020 17:00
To: Ian McGregor <ian@albynarchitects.co.uk>
Subject: RE: 191800/DPP

Hi Ian,

I spoke with Scott regarding this and they have no preference but would like to know what you are proposing to differentiate the spaces.

Regards,

Aoife



Aoife Murphy | Senior Planner
Aberdeen City Council | Development Management | Strategic Place Planning | Place
Marischal College | Ground Floor North | Broad Street | Aberdeen | AB10 1AB

Direct Dial: 01224 52 2156
Planning Support: 01224 52 3470 | Email: pi@aberdeencity.gov.uk
www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

From: Ian McGregor <ian@albynarchitects.co.uk>
Sent: 13 January 2020 14:23
To: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Subject: RE: 191800/DPP

Thanks Aoife,

Let me know if environment/roads have any further comments.

Regards

Ian McGregor
Director / Architect

PLEASE NOTE THAT WE HAVE A NEW TELEPHONE NUMBER AND OFFICE ADDRESS

Albyn Architects | Design · Build · Manage | 01224 630163 | 07739 309473 | albynarchitects.co.uk

From: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Sent: 13 January 2020 14:12

To: Ian McGregor <ian@albrynarchitects.co.uk>

Subject: RE: 191800/DPP

Afternoon Ian,

Regarding your email, please see my comments in blue below.

Regards,

Aoife



Aoife Murphy | Senior Planner

Aberdeen City Council | Development Management | Strategic Place Planning | Place Marischal College | Ground Floor North | Broad Street | Aberdeen | AB10 1AB

Direct Dial: 01224 52 2156

Planning Support: 01224 52 3470 | Email: pi@aberdeencity.gov.uk

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

From: Ian McGregor <ian@albrynarchitects.co.uk>

Sent: 13 January 2020 13:43

To: Aoife Murphy <AMurphy@aberdeencity.gov.uk>

Subject: RE: 191800/DPP

Hi Aoife,

I just left you a voicemail, as I was hoping to have a quick chat about this application. However, I can summarise the main points, as follows: -

Environmental

Regarding your email, below, would it be possible to deal with this as a condition of planning? There is no end user lined up as and there isn't likely to be one in place until planning permission has been obtained. [I have emailed Environmental Health to obtain their opinion on this.](#)

Parking

Although we have indicated the spaces on the site plan, would there be a particular way in which roads would want the spaces to be demarcated? [I do not think we have a preference for this, I'm sure either signs or markings on the spaces would suffice.](#)

Waste Collection

The waste collection is currently carried out at the rear of the building. The proposal would be for the waste collection to be carried out at the rear, the truck can then pull up in line with the front door, to allow collection of the new bins. [I will pass this information on Roads.](#)

Objections

While we don't feel the objection from Nigg Community Council has raised any valid concerns, we can prepare a response if required. [This would be useful, as I mentioned previously, if the Planning Authority are recommending approval, referral to committee would be required.](#)

Please feel free to contact to me, to discuss. The best number to get me on is 01224 630163

Regards

Ian McGregor

Director / Architect

From: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Sent: 08 January 2020 14:58
To: Ian McGregor <ian@albynarchitects.co.uk>
Subject: 191800/DPP

Good Afternoon,

With regards to the above application, you are aware that Environmental Health have commented on the proposal and are looking for further information regarding the commercial LEV equipment to be used within the new restaurant/take-away and the concerns they have regarding the potential impact on amenity of neighbouring residents. More specifically the officers are looking for a suitable extract ventilation assessment in line with relevant guidance. Is there an end user in mind and do you have information on the type of ventilation equipment that would be used within the premises?

Regards,

Aoife



Aoife Murphy | Senior Planner
Aberdeen City Council | Development Management | Strategic Place Planning | Place
Marischal College | Ground Floor North | Broad Street | Aberdeen | AB10 1AB

Direct Dial: 01224 52 2156
Planning Support: 01224 52 3470 | Email: pi@aberdeencity.gov.uk
www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

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Aberdeen City Council – Development Management Consultation Request

From: Aoife Murphy	Date: 5 December 2019
Email: AMurphy@aberdeencity.gov.uk	Ref: 191800/DPP
Tel.: 01224 522156	Expiry Date: 26 December 2019

Detailed Planning Permission

**191800/DPP: Partial change of use from office with workshop to restaurant (class 3) with hot food takeaway (sui generis) including installation of fence with gate and associated works at Graphix House
Wellington Circle
Aberdeen
AB12 3JG**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=Q1ZLEJBZLMQ00>

Please select one of the following

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	Y
Would recommend the following comments are taken into consideration in the determination of the application.	
Object to the application (please specify reasons below).	

COMMENTS

- Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for

recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).

- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document:

http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste

Supplementary Guidance available at

<https://www.aberdeencity.gov.uk/sites/default/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

Responding Officer: Hannah Lynch

Date: 06.12.2019

Email: halynch@aberdeencity.gov.uk

Ext: 87627

Please note: Unless agreed with the Case Officer, should no response be received by the expiry date specified above it will be assumed your Service has no comments to make.

Should further information be required, please let the Case Officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

NIGG COMMUNITY COUNCIL

ABERDEEN

Aoife Murphy

Planning and Sustainable Development

Aberdeen City Council

Marischal College

Broad Street

Aberdeen.

AB10 1AB

9th December 2019

Planning application reference: 191800

Partial change of use from office with workshop to restaurant (Class 3) with hot food takeaway (Sui Generis) including installation of fence with gate and associated works.

Nigg Community Council wish to object to the proposed application. Our objections are based on the following, which should be considered prior to determination.

- 1) **ROAD SAFETY.** As entry and exit to and from the proposed development, would be from Wellington Circle, we envisage a significant increase in the number of vehicle movements being generated. As Wellington Circle is the main access road to the new Lochside Academy, (Safe routes to school), any increase in the number of vehicle movements in this area, would significantly raise the potential for road accidents.
- 2) **OVERPROVISION.** We feel that there is an overprovision of food outlets within the area. Namely – Starbucks, Ikea, Burger King, The Altens Thistle Hotel and the Wellington Hotel, all located within a few hundred metres of this proposed development.
- 3) **TRAFFIC.** Whilst accepting that each planning application is determined on its own merits, it should be noted that in addition to this application, there are another three development applications, which have been submitted in close proximity, all of which, require access, (entry and exit), from Wellington Circle. Planning Ref. **191587** – Erection of (Class 3) restaurant and drive thru takeaway, Ref. **191588** - Erection of two (Class 1) Retail units, Ref. **191664** (Car showroom and vehicle service centre). The cumulative effect of all these proposed developments would seriously affect the safe operation and traffic flow on the A956 Makro roundabout.

In view of the above, we respectfully request that the above application be **REFUSED.**

Yours sincerely,



Alan Strachan (chair)

For and on behalf of Nigg Community Council

Please reply to -

Mr. Alan Strachan
Chairman
Nigg Community Council
18, Redmoss Road,
Nigg, Aberdeen
AB12 3JN
Telephone 01224 897638

Mr. James Brownhill
Vice Chairman
Nigg Community Council
The Lodge, Charleston
Nigg, Aberdeen
AB12 3LL
Telephone 01224 897273

Mrs. Jenny Gall
Secretary
Nigg Community Council
Lochinch Cottage, Charleston
Nigg, Aberdeen
AB12 3LL
Telephone 01224 897511

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FAO Aoife Murphy
Aberdeen City Council

Via Email

ABZ Ref: ABZ2859

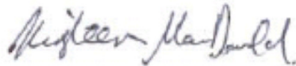
12th December 2019

Dear Aoife

Ref: 191800/DPP Partial change of use from office with workshop to restaurant (class 3) with hot food takeaway (sui generis) including installation of fence with gate and associated works at Graphix House Wellington Circle Aberdeen

I write in relation to the above application. The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

Yours Sincerely



Kirsteen MacDonald

Safeguarding Manager
Aberdeen Airport
07808 115 881
abzsafeguard@aiairport.com



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National Planning Policy

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

Aberdeen City and Shire Strategic Development Plan (SDP)

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=1111&SID=90>

Aberdeen Local Development Plan (ALDP)

Policy D1 - Quality Placemaking by Design

Policy NC4 - Sequential Approach and Impact

Policy NC5 - Out of Centre Proposals

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy T5 - Noise

Policy B1 - Business and Industrial Land

Policy B4 - Aberdeen Airport

Policy R6 - Waste Management Requirements for New Development

Supplementary Guidance

Transport and Accessibility

<https://www.aberdeencity.gov.uk/sites/default/files/5.1.PolicySG.TransportAccessibility.pdf>

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North 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 100237558-001

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:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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="c/o agent"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="c/o agent"/>
Company/Organisation	<input type="text" value="XIC Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="c/o agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@auroraplanning.co.uk"/>		

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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Graphix House, Wellington Circle, Aberdeen, AB12 3JG"/>

Northing	<input type="text"/>	Easting	<input type="text"/>
----------	----------------------	---------	----------------------

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)

Partial change of use from office with workshop to restaurant (class 3) with hot food takeaway (sui generis) including installation of fence with gate and associated works

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 paper apart

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)

please see appendix one to the paper apart

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

191800/DPP

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

04/12/2019

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

13/02/2020

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: Miss Pippa Robertson

Declaration Date: 26/02/2020

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**GRAPHIX HOUSE
WELLINGTON CIRCLE
ABERDEEN
AB12 3JG**

**NOTICE OF REVIEW
UNDER
S.43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

in respect of

DECISION TO REFUSE PLANNING APPLICATION REFERENCE 191800/DPP

PAPER APART



1 Introduction

1.1 Planning application reference 191800/DPP was submitted to Aberdeen City Council on 5 December 2019 (validated 5 December 2019), seeking a “*Partial change of use from office with workshop to restaurant (class 3) with hot food takeaway (sui generis) including installation of fence with gate and associated works*” at Graphix House, Wellington Circle, Aberdeen.

1.2 The application was refused by officers under delegated powers on 13 February 2010, with the Decision Notice [Document 18] giving the reason for refusal as being:

“The proposal fails to comply with the principle policy, Policy B1 – Business and Industrial Land, in that there is no requirement for this development and there is sufficient provision and range of food and drink establishments within the surrounding area to serve the existing business parks. In addition, the development, due to its location could detract from the viability and vitality of the existing city centre, which is against the requirements of Policy NC4 – Sequential Approach and Impact, Policy NC5 - Out of Centre Proposals of the Aberdeen Local Development Plan 2017.”

1.3 A review of the decision to refuse the application is now sought on the grounds that:

- the existence of other facilities is not relevant to the question of whether or not the application complies with Policy B1. Instead, the policy test is whether the proposed development would primarily serve the surrounding business area, rather than a wider catchment, and the scale of the development to which this application relates means that this will be the case. Policy B1 then supports the proposed development on the basis that this would directly support the applicant’s existing business, be aimed primarily at meeting the needs of businesses and employees within the business and industrial area rather than a wider catchment and, in bringing an empty unit back into use, enhance the attraction and sustainability of the business area as a whole.
- Policies NC4 and NC5 apply only to significant footfall generating developments, with the development to which this application relates not being such, and these Policies are not therefore relevant to the determination of the application.
- Paragraph 1.14 of the Local Development Plan makes it clear that the Plan must be carefully considered as a whole, with the application also requiring to be assessed against other relevant Development Plan policies and material considerations as set out in the Planning Statement submitted with the application



[Document 11], and these provide significant support for the development proposed. Notably, the proposed development:

- demonstrates the six qualities of successful places in accordance with Policy D1; and
- is supported by the Scottish Planning Policy requirement that due weight be given to net economic benefits, with the proposed development delivering such benefits by giving a new use to a currently vacant unit that has no real prospect of being let for its current use in the immediate future, and with that new use being one that supports neighbouring business and industrial uses in the area.

1.4 Importantly in terms of support for the proposed development, the Report of Handling for the application [Document 17] makes it clear that:

- the proposed development would not be of a scale that would be considered to generate a significant footfall;
- no concerns arise with regards to any potential impact on amenity as a result of the proposed development, whether from noise or odour (subject to a condition requiring the submission of details of proposed ventilation, which the applicant is happy to agree to);
- the proposed parking arrangements are appropriate;
- the site is accessible via bus routes serving Wellington Road, will include cycle parking, and, given its location within the Business Park, is also accessible by walking; and
- there are no concerns with regards to roads safety that would justify the application being refused, with it in particular being noted that the scale of the development means that there would not be a large increase in traffic associated with it.

1.5 It should also be noted there were no objections to the application from the Council's internal consultees, with Environmental Health, the Roads Development Management Team and the Waste Strategy Team all confirming that they were satisfied with the proposal (subject to a conditions where appropriate, which the applicant is happy to agree to). And, while Nigg Community Council objected to the



application on the basis of concerns about road safety, overprovision of food outlets, and traffic, it should be noted that:

- the Report of Handling makes it clear that there are no road safety or traffic concerns that would justify refusal of the application as also highlighted in paragraph 1.4 above; and
- the presence of competition between businesses in a particular area is not a material planning consideration, as also discussed in the context of Policy B1 in paragraph 3.2 below.

1.6 A detailed response to the points raised by Nigg Community Council was also submitted by the applicant during the course of the application and forms part of the documents submitted in support of this Review [Document 12].

1.7 A full list of documents submitted in support of this Review is provided in Appendix One.

2 Policy context

2.1 Full details of both the application and the policy context against which it requires to be determined are set out in the Planning Statement submitted with the application, which should be read in conjunction with this paper apart.

2.2 In particular, it should be noted that:

- although the Report of Handling indicates that the application does not require a detailed assessment against the Aberdeen City and Shire Strategic Development Plan (SDP) [Document 19], this still forms part of the Development Plan and requires to be taken into account accordingly. In particular, as set out in paragraphs 4.2 to 4.6 of the Planning Statement, the SDP emphasises the importance of sustainable economic growth, using resources more efficiently and effectively, and encouraging economic development that is appropriate to the needs of different industries, all of which the proposed development does by providing a new use for a currently vacant unit in response to the changing needs of the applicant's business (and the economy of Aberdeen more generally). It should also be noted that the marketable supply of employment land in Aberdeen City far exceeds the targets set out in the SDP, inviting consideration to be given to alternative uses such as that proposed in terms of this application.



- paragraphs 4.7 to 4.22 of the Planning Statement then assess the application against all relevant policies of the Aberdeen Local Development Plan (ALDP) [Document 20], demonstrating how the proposed development complies with these. As well as Policies B1, NC4 and NC5 (which are looked at in more detail in the context of the reasons given for the refusal of the application in paragraphs 3.1 to 3.5 below), this details how the proposed development demonstrates the six qualities of successful places set out in Policy D1, these being important criteria which do not appear to have been considered in the Report of Handling but which provide significant support for the application.
- lastly, the Planning Statement details a number of other material planning considerations which provide further significant support for the application, and which also do not appear to have been taken into account in the Report of Handling. These include:
 - the significant oversupply of employment land as identified in the relevant Employment Land Audit at the time the application was submitted (ELA 2017/2018 [Document 21], the conclusions on which can equally be drawn from the subsequent ELA 2018/2019 [Document 22]);
 - the importance of taking a flexible approach in such circumstances as advocated by Scottish Planning Policy [Document 23]; and
 - the need to give due weight to net economic benefit in accordance with the Scottish Government's Draft Advice on Net Economic Benefit and Planning [Document 24], with the proposed development providing a clear such benefit by bringing a vacant unit back into use in accordance with the Scottish Government Economic Strategy [Document 25] and the Aberdeen City and Shire Regional Economic Strategy [Document 26].

2.3 Having assessed the proposed development against all relevant Development Plan Policies, Supplementary Guidance and material considerations as set out in the Planning Statement, it is submitted that the proposed development would:

- support the achievement of the main aims of the Aberdeen City and Shire Strategic Development Plan in terms of growing the economy and making efficient use of resources;
- serve the existing business and industrial uses in the area, including the applicant's own business, in accordance with Policy B1 of the ALDP;



- take account of changing circumstances in the North East’s economy (including an oversupply of employment land) and respond to them in a way that contributes to sustainable economic growth (by providing a new use for a currently vacant facility, contributing to the long-term sustainability of business operations in the building as a whole), as advocated by Scottish Planning Policy; and
- be supported by a number of material considerations including:
 - Scottish Planning Policy;
 - Scottish Government Economic Strategy;
 - Aberdeen City and Shire Regional Economic Strategy; and
 - Scottish Government Draft Advice on Net Economic Benefit and Planning.

2.4 On the basis that the proposed development complies with the Development Plan and is also supported by other relevant material considerations as set out in the Planning Statement, with no material considerations to indicate otherwise, the application should be approved.

3 Reason for refusal

3.1 Although the Decision Notice contains just one reason for refusal, there are two distinct elements, each of which is addressed in turn below.

The proposal fails to comply with the principle policy, Policy B1 – Business and Industrial Land, in that there is no requirement for this development and there is sufficient provision and range of food and drink establishments within the surrounding area to serve the existing business parks.

3.2 As set out in the Report of Handling, Policy B1 of the ALDP requires uses such as that proposed in terms of this application to support other business and industrial uses in the area, and to be aimed primarily at meeting the needs of those businesses and their employees. However, the purpose of this Policy is not to try to control competition between different facilities, but rather it is to restrict such facilities to those whose catchment is focused on the immediate business and industrial area. As such, the presence or otherwise of other facilities in the area is not relevant to the question of whether or not the application complies with Policy B1, with the key policy test instead being what the catchment area of the proposed facility would be. As set out in paragraph 4.9 of the Planning Statement, the size of restaurant and takeaway proposed (being just 70.3m²) is indicative of it being primarily intended to serve local businesses rather than a wider catchment area, while the unit’s glass frontage and level access direct from Wellington Circle make it ideally suited to doing this.



Importantly, the Report of Handling does not dispute at any point that the proposed development would serve the immediate business and industrial area rather than a larger catchment. Indeed, it expressly acknowledges that the proposed development would not be of a scale which would be considered to generate a significant footfall as highlighted in the first bullet point of paragraph 1.4 above.

- 3.3 In the absence of generating any significant footfall that would draw in any significant number of customers from outwith the immediate business and industrial area, there are no grounds for concluding that the proposed development would not comply with Policy B1. Rather, Policy B1 supports the proposed development on the basis that this would directly support the applicant's existing business, serve the immediate business and industrial area rather than a wider catchment and, in bringing an empty unit back into use, enhance the attraction and sustainability of the business area as a whole.

In addition, the development, due to its location could detract from the viability and vitality of the existing city centre, which is against the requirements of Policy NC4 – Sequential Approach and Impact, Policy NC5 - Out of Centre Proposals of the Aberdeen Local Development Plan 2017.

- 3.4 As set out in paragraph 4.11 of the Planning Statement, Policy NC4 requires a sequential town centre approach to be taken only for uses which generate significant footfall. However, as identified in the first bullet point of paragraph 1.4 above, the Report of Handling makes it clear that the proposed development would not do this. As such, there is no requirement to take a sequential town centre first approach in respect of this application, and there is no justification for concluding that the proposed development would be contrary to Policy NC4.
- 3.5 Likewise, Policy NC5 applies only to significant footfall generating development and, again in the absence of the proposed development being significant footfall generating (as made clear by the Report of Handling), there is no justification for concluding that the proposed development would be contrary to this Policy either.

4 Conclusion

- 4.1 For the reasons given in this paper apart, it is submitted that:

- Policy B1 supports the proposed development on the basis that this would directly support the applicant's existing business, serve the immediate business and industrial area rather than a wider catchment and, in bringing an empty unit back into use, enhance the attraction and sustainability of the business area as a whole;



- Policies NC4 and NC5 are not relevant to the determination of the application; and
- the proposed development is also supported by other relevant Development Plan Policies and material considerations as set out in the Planning Statement, in particular Policy D1 and the requirement in SPP that due weight be given to net economic benefits, with the proposed development delivering such benefits by giving a new use to a currently vacant unit that has no real prospect of being let for its current use in the immediate future, and with that new use being on that supports neighbouring business and industrial uses in the area.

4.2 As the proposed development complies with the Development Plan and relevant material considerations, with no material considerations to indicate otherwise, the review should be allowed, and the application approved.



Appendix One – List of documents

Application Documents

- 1 Application Form
- 2 Location Plan
- 3 Existing First Floor Plan
- 4 Existing Ground Floor Plan
- 5 Existing Site Plan
- 6 Existing Elevations
- 7 Proposed First Floor Plan
- 8 Proposed Ground Floor Plan
- 9 Proposed Site Plan
- 10 Proposed Elevations
- 11 Planning Statement
- 12 Response regarding concerns

Consultee Responses

- 13 Roads Development Management (17 January 2020)
- 14 Environmental Health (17 January 2020)
- 15 Waste Strategy
- 16 Aberdeen International Airport

Delegated Report and Decision Notice

- 17 Report of Handling
- 18 Decision Notice

Policy Documents

- 19 Aberdeen Local Development Plan
- 20 Aberdeen City and Shire Employment Land Audit 2017/2018
- 21 Aberdeen City and Shire Employment Land Audit 2018/2019
- 22 Scottish Planning Policy
- 23 Scottish Government Economic Strategy
- 24 Aberdeen City and Shire Regional Economic Strategy 2015
- 25 Draft Advice on Net Economic Benefit and Planning



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LOCAL REVIEW BODY

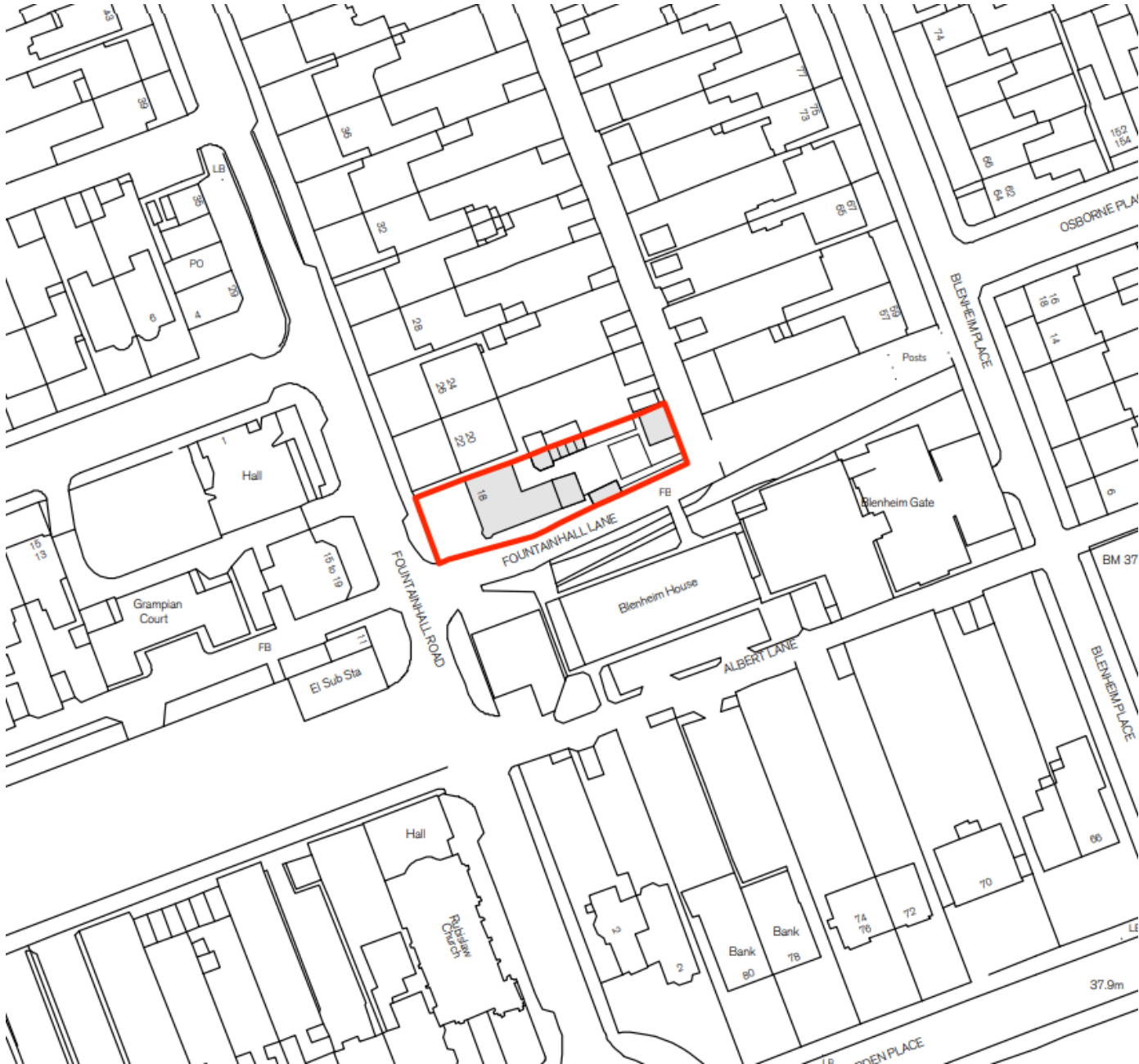


191169/DPP– Review against refusal of planning permission for:

Erection of 2 storey extension including first floor terrace with carport below; installation of replacement garage to rear; formation of new window opening in rear gable; installation of replacement of windows at upper floor; alterations to boundary wall; and, landscaping works in front curtilage to create garden area and parking spaces

16-18 Fountainhall Road, Aberdeen

Location Plan



Location – Aerial Photo



Street View image (March 2019)

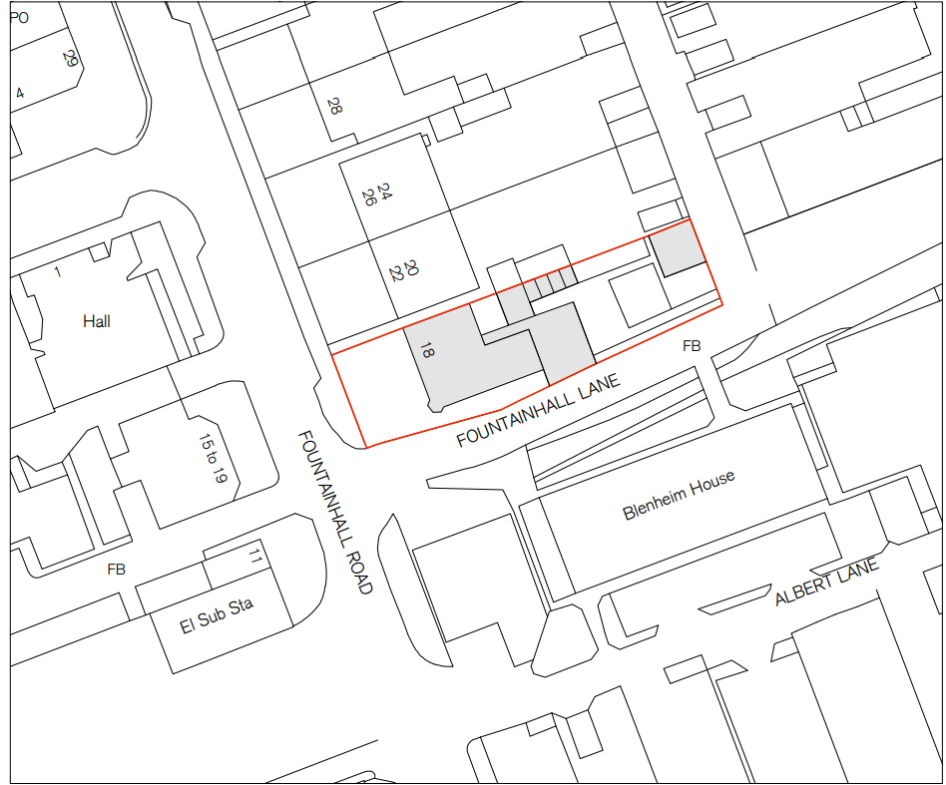
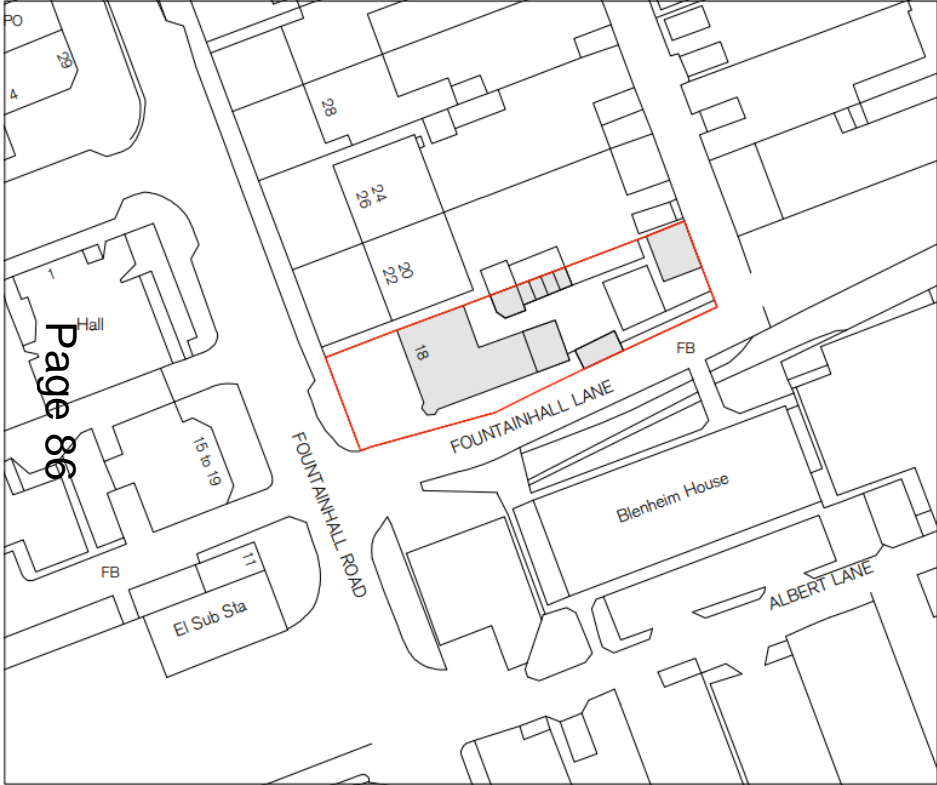


Page 84

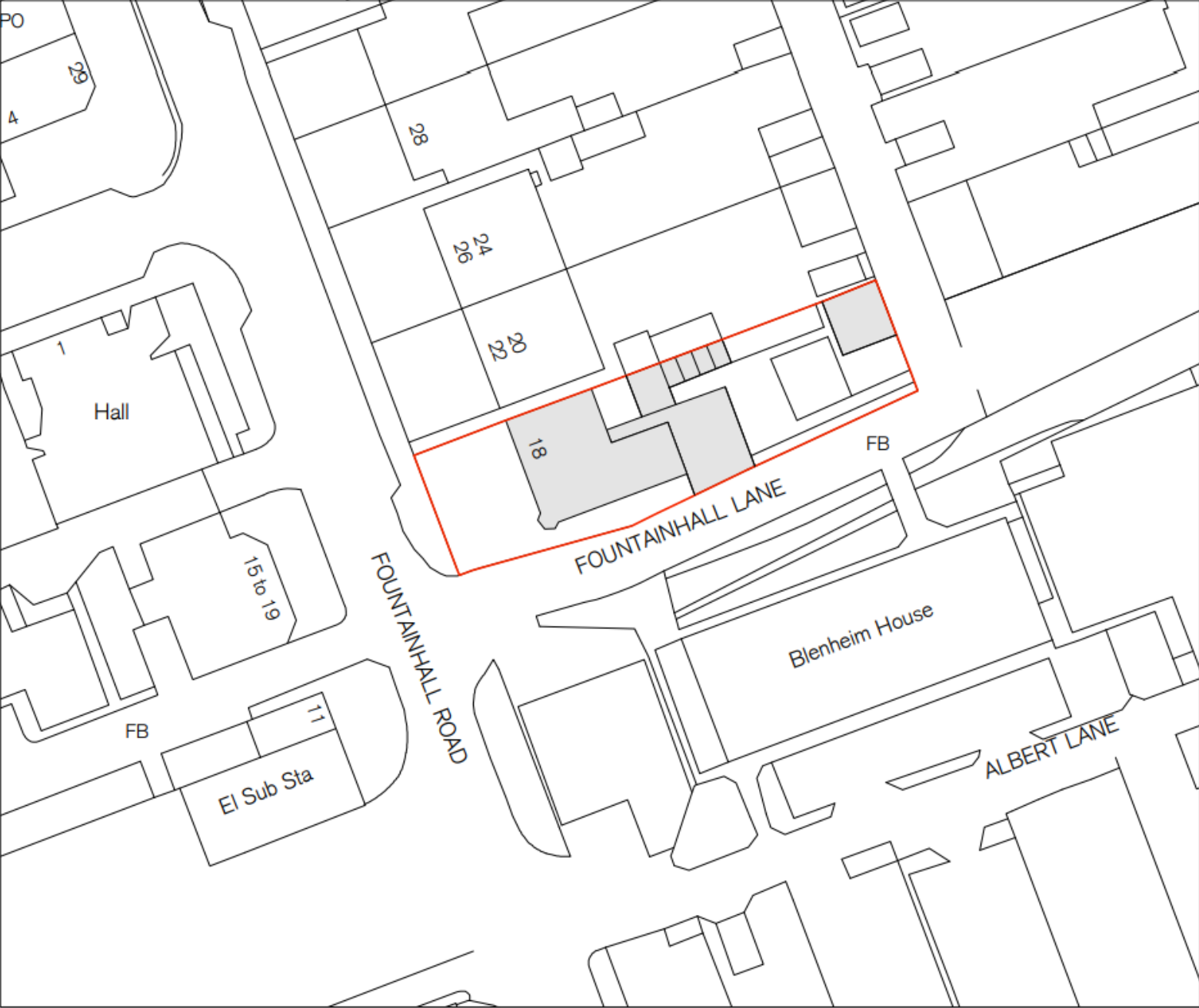
Street View image (March 2019)



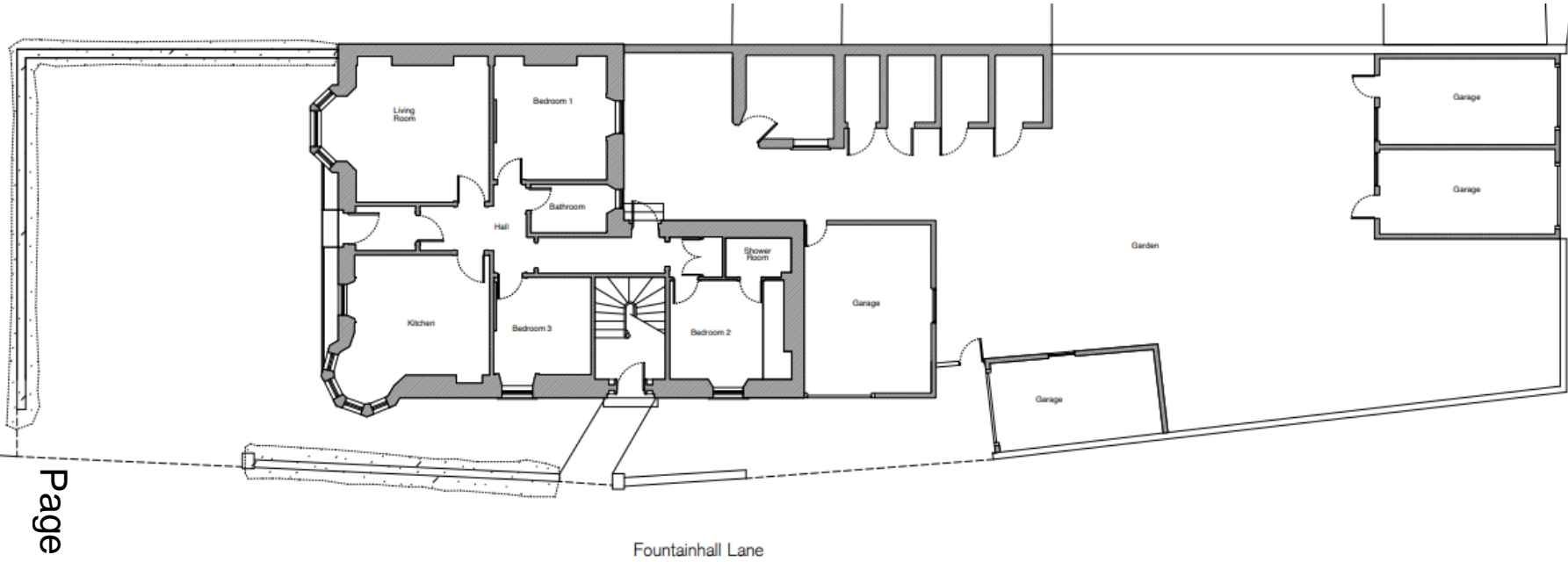
Existing and Proposed Site Plan



Proposed Site Plan

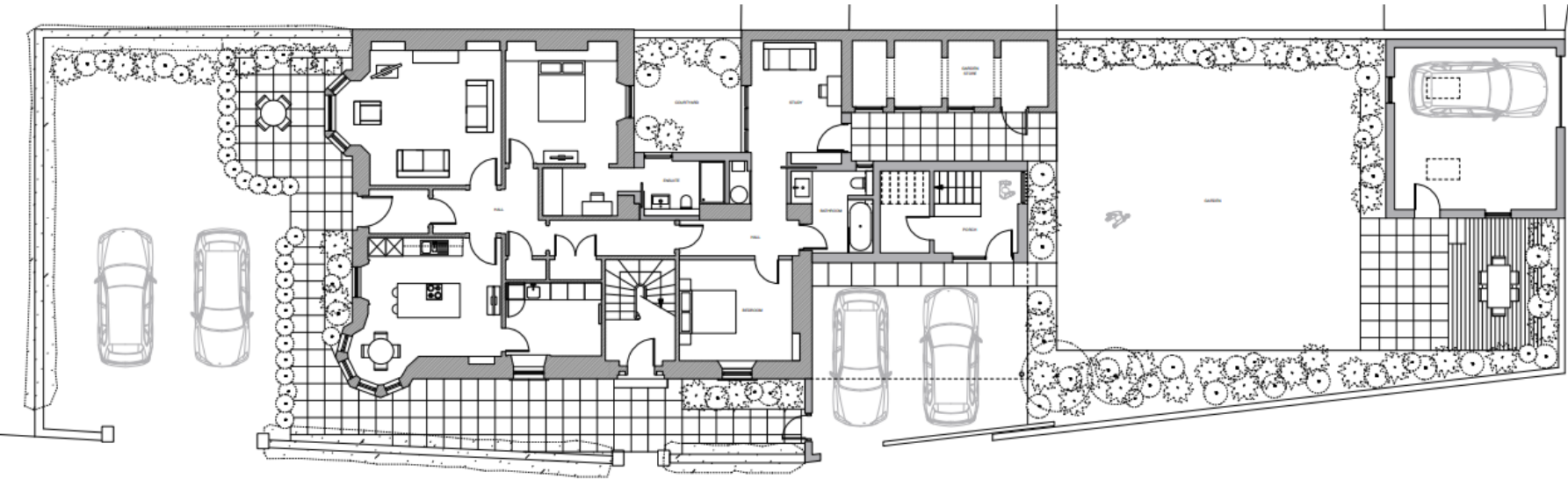


Existing & Proposed Ground Floor



Page 88

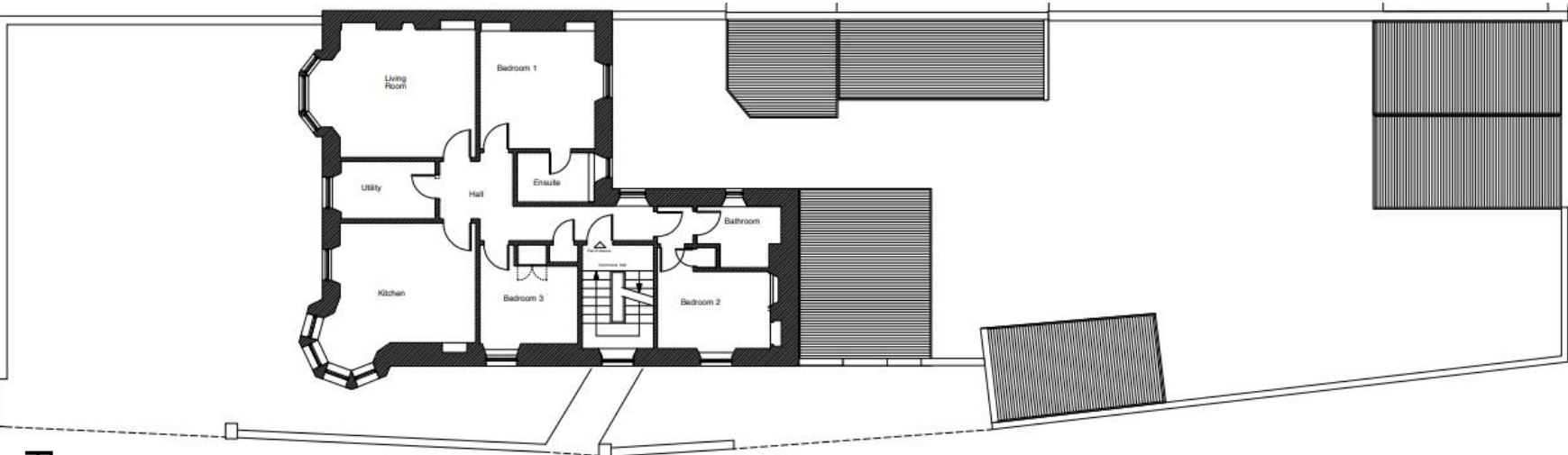
Fountainhall Lane



Fountainhall Lane

Fountainhall Lane

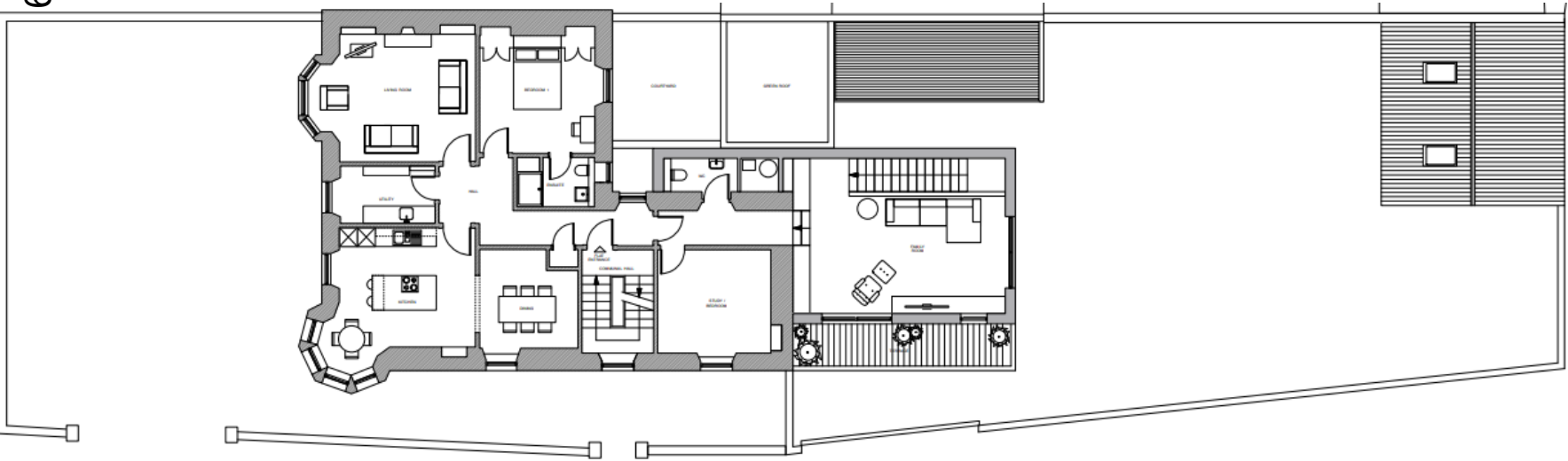
Existing & Proposed First Floor



Fountainhall Lane

Fountainhall Lane

Page 89

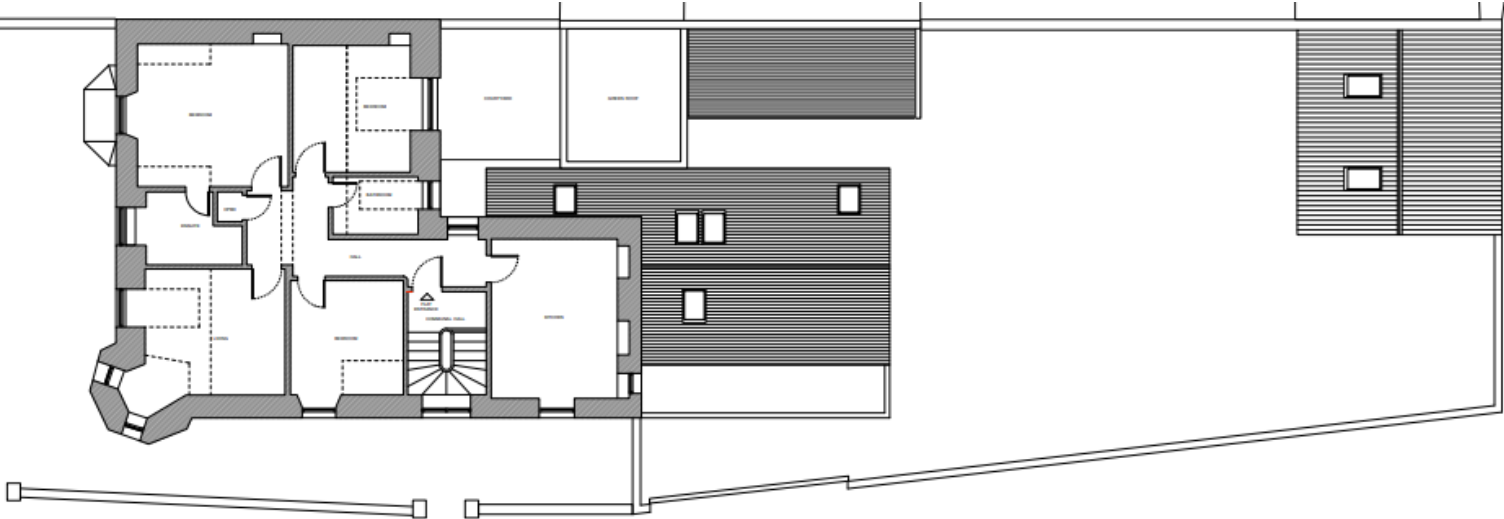


Fountainhall Lane

Fountainhall Lane

Proposed Second Floor Plan

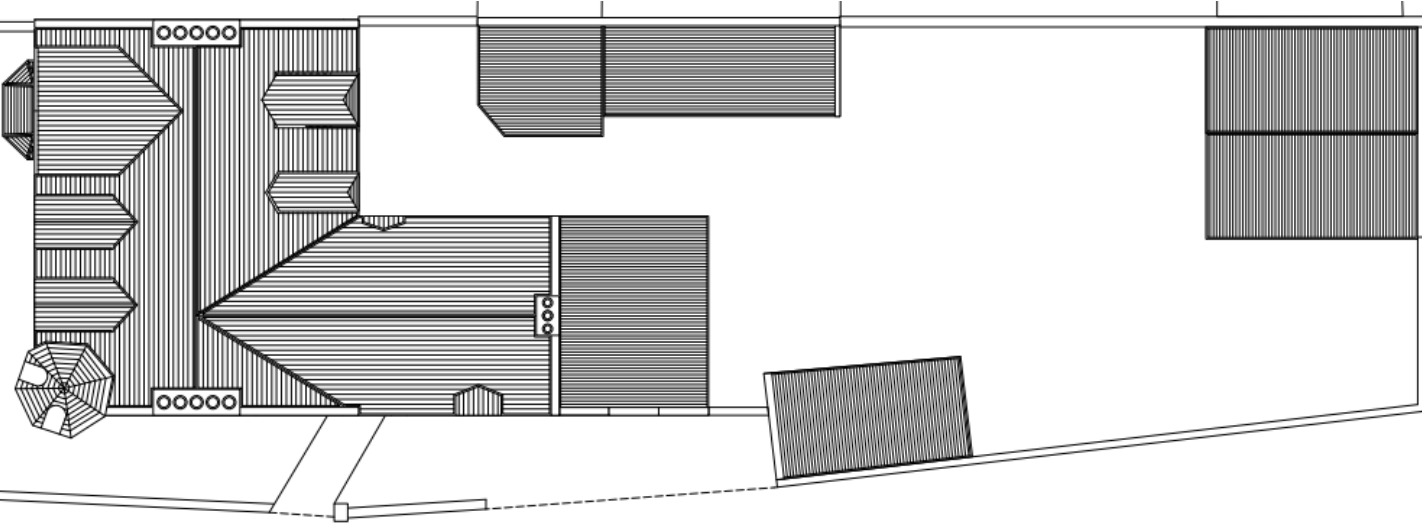
Page 90



Fountainhall Lane

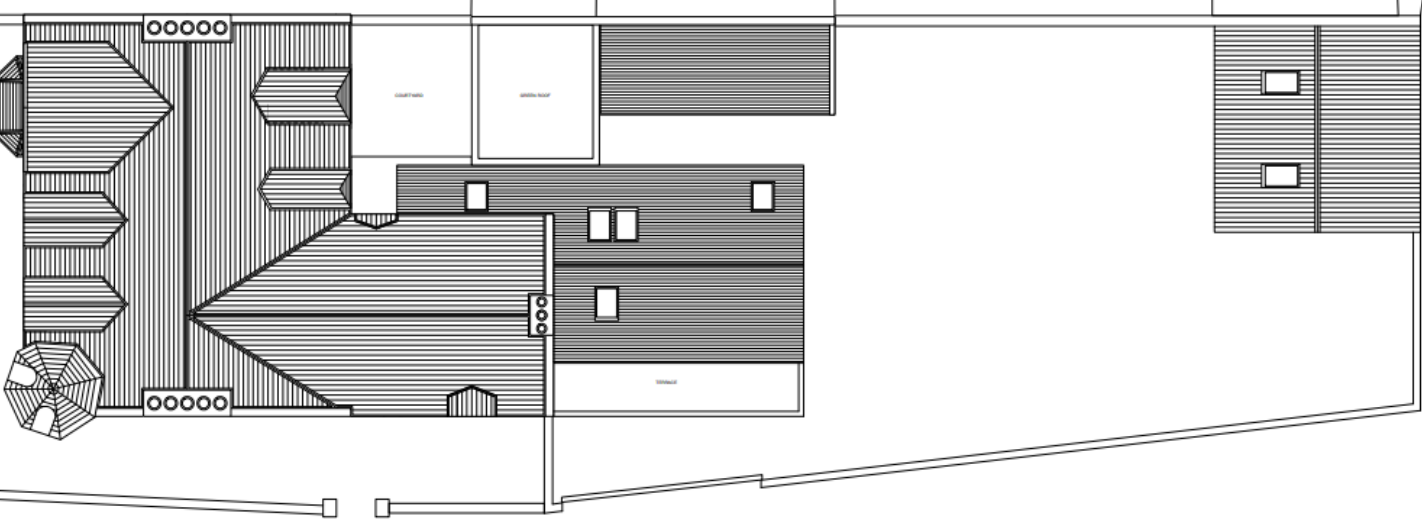
Fountainhall Lane

Existing & Proposed Roof Plan



Fountainhall Lane

Fountainhall Lane



Fountainhall Lane

Fountainhall Lane

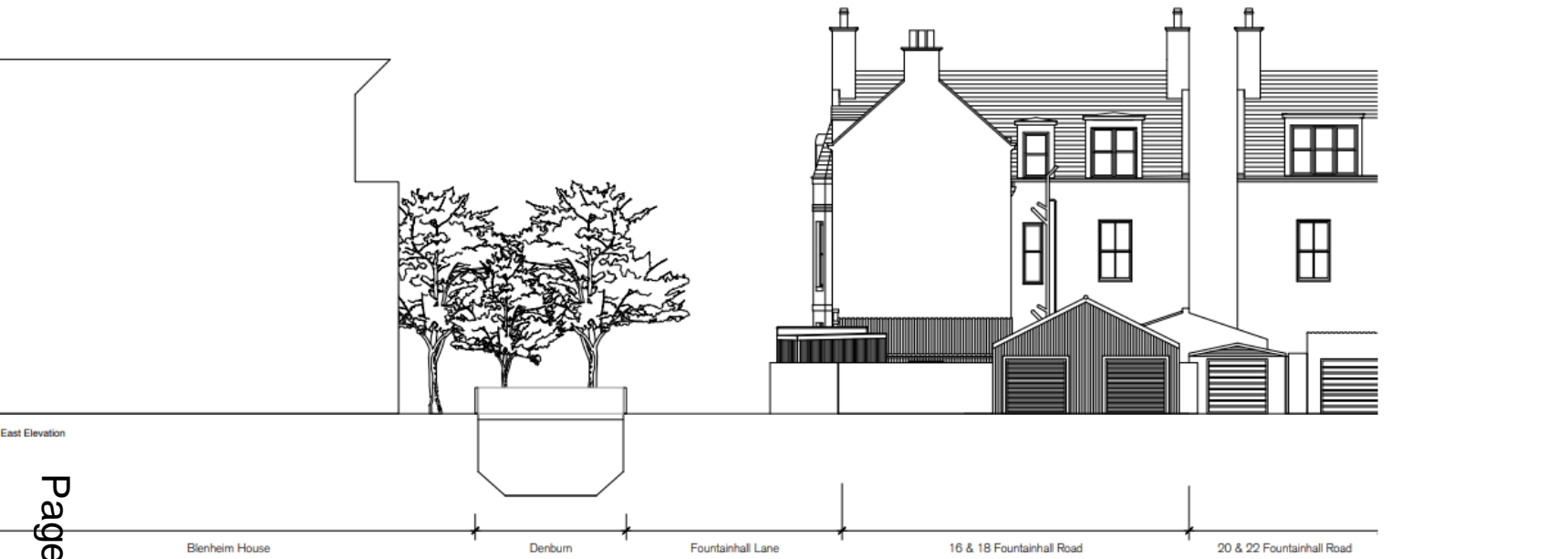
Existing and Proposed West (front) Elevation



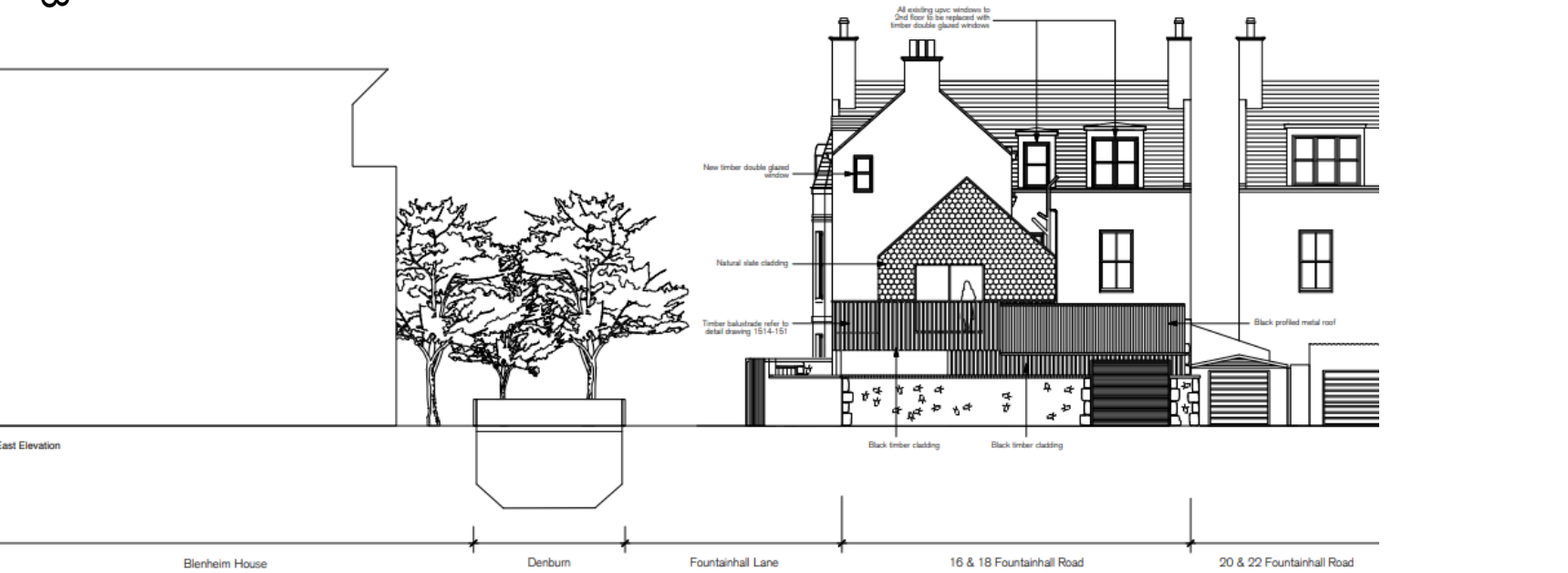
Page 92



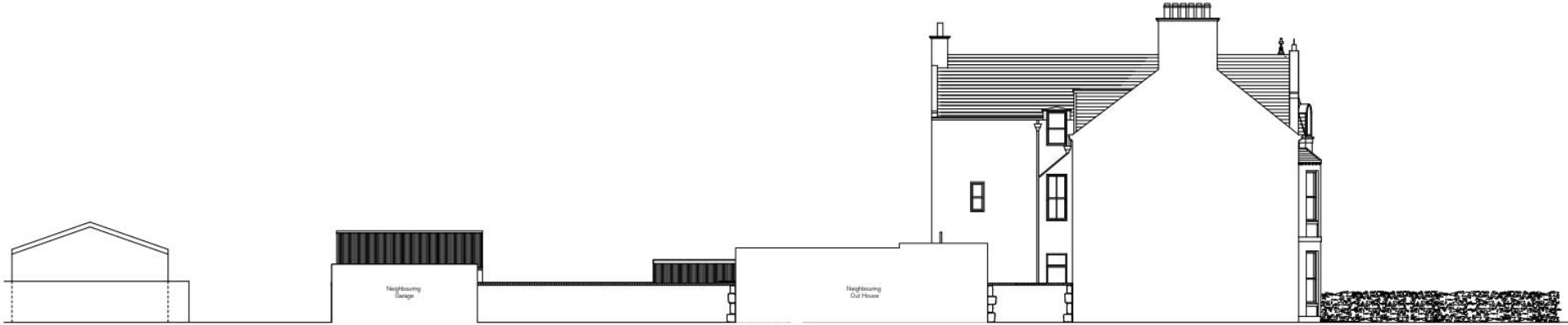
Existing and Proposed East (rear) Elevation



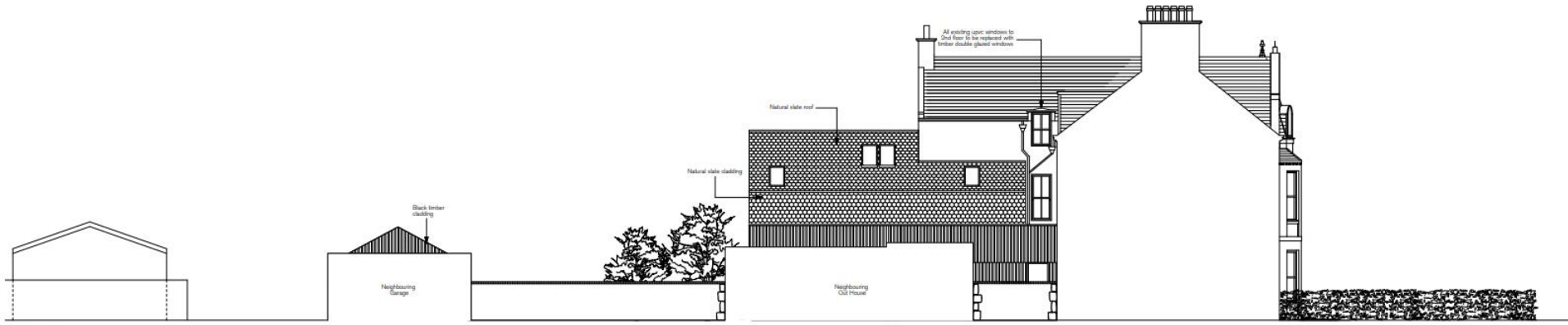
Page 93



Existing and Proposed North (side) Elevation



North Elevation
Page 94



North Elevation

Existing and Proposed South (side) Elevation

Page 95

South Elevation



South Elevation



Reasons for Decision

1) The proposed extension by virtue of its form, scale, layout and pallet of finishing materials - would not suitably respect the scale, form and character of the existing historic building and therefore would have a detrimental impact on the character and amenity of the Albyn Place/Rubislaw Conservation Area and thus fails to preserve or enhance the character and appearance of the area. As such, the proposal would be at odds with Policy H1 (Residential Areas), Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017, as well as the relevant sections of Scottish Planning Policy, Historic Environment Policy for Scotland and Historic Environment Scotland Guidance on “Managing Change in the Historic Environment: Guidance Notes”.

2) The scale of hard surface landscaping, including car parking, in the front curtilage is of detriment to the character of the Fountainhall Road streetscene – especially between Fountainhall Lane and Desswood Place - and therefore is of detriment to the character and amenity of the Albyn Place/Rubislaw Conservation Area, placing the proposal at odds with the aims of Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017.

H1: Residential Areas

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?

(e.g. Householder Development Guide)

D1: Quality Placemaking by Design

All dev't must *“ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials”*.

Proposals will be assessed against the following six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource-efficient

D4: Historic Environment

- ACC will '*protect, preserve and enhance*' the historic environment, in line with national and local policy and guidance
- High quality design that respects the character, appearance and setting of the historic environment, and protects the special architectural and historic interest of its LBs and CAs will be supported

SG: Householder Development Guide

- Extensions should be architecturally compatible with original house and surrounding area (design, scale etc)
- Should not '*dominate or overwhelm*' original house. Should remain visually subservient.
- Extensions should not result in a situation where the amenity of neighbouring properties would be adversely affected (e.g. privacy, daylight, general amenity)
- Approvals pre-dating this guidance do not represent a 'precedent'

SG: Householder Development Guide

- The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.
- No more than 50% of the front or rear curtilage shall be covered by development.
- Single storey extensions will be limited to 4m in projection along a mutual boundary

SG: Repair & Replacement of Windows and Doors

Sets out guidance for window replacement:

- Repair and retain of historic windows always promoted over replacement
- Non-traditional windows should be restored to a traditional style, appropriate to the age & character of the building
- If non-historic windows on public elevation within a CA are being replaced, *“the reinstatement of the original types and arrangements of windows will always be encouraged”*
- Where existing uPVC S+C windows are to be replaced, replacement with uPVC S+C windows will be permitted, subject to criteria relating to: visible portion of window frame; thickness of frame/lower sash/meeting rails, etc.

Scottish Planning Policy (SPP)

- Proposals in CAs should preserve or enhance the character and appearance of the CA. Proposals that do not harm the character or appearance should be treated as preserving it.

HES – Managing Change: Extensions

- *Must protect the character and appearance of the building*
- *Should be subordinate in scale and form*
- *Should be located on a secondary elevation*
- *Must be designed in a high-quality manner using appropriate materials*
- *Extensions that would unbalance a symmetrical elevation and threaten the original design concept should be avoided*



MANAGING CHANGE IN THE HISTORIC ENVIRONMENT WINDOWS



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

January 2018

- **Maintenance and repair** is the preferred means of safeguarding the character of a historic window;
- **Where a window is beyond repair**, its replacement should be permitted, but should closely match original window design, detail and materials.
- **In replacing sash windows, materials other than timber (e.g. uPVC) will rarely be acceptable;**
- In other cases the windows may be modern replacements, sometimes inexact copies of the original examples, or using inappropriate sections or materials. **In such cases it should be acceptable to replace the windows with an aim to regain the original design intention or improve the existing situation.**

Points for Consideration:

Zoning: Do members consider that the proposed works would adversely affect the character or amenity of the area, as set out in policy H1? Do the proposed alterations accord with the relevant SG, also tied to policy H1?

Historic Environment: Do members consider that the proposed works to preserve or enhance the character and amenity of the Conservation Area, as required by SPP, HESPS and policy D4 of the ALDP?


Design: Is the proposal of sufficient design quality (D1), appropriate to its context?

1. Does the proposal comply with the Development Plan when considered as a whole?

2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	16-18 Fountainhall Road, Aberdeen, AB15 4DT,
Application Description:	Erection of 2 storey extension including first floor terrace with carport below; installation of replacement garage to rear; formation of new window opening in rear gable; installation of replacement of windows at upper floor; alterations to boundary wall; and, landscaping works in front curtilage to create garden area and parking spaces
Application Ref:	191169/DPP
Application Type:	Detailed Planning Permission
Application Date:	30 July 2019
Applicant:	Mr W Strachan
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross and Harlaw
Case Officer:	Jamie Leadbeater

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site is the residential curtilage of a detached three storey granite villa comprising two flats with two garages attached to rear gable and detached garage at rear end of garden on, the eastern side of Fountainhall Road in Aberdeen's West End and with the Albyn Place/Rubislaw Conservation Area.

The front curtilage is finished in tarmac and defined by manicured hedging along the front and northern side boundary, providing unauthorised car parking space to the front of the building. The rear garden area is defined by c. 1.8m high traditional stone rubble walls and comprises an old profile metal clad garage at the far (eastern) end of the garden whilst historic stone outbuilding's lie along the northern boundary of the site shared with a semi-detached flat block to the north of the site.

The site sits to the immediate north of Fountainhall Lane, which serves all garages within the site. Blenheim House, a modern building, sites to the south of Fountainhall Lane.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the erection of two-storey wraparound rear extension with first floor terrace and carport below; installation of replacement garage to rear; formation of new window opening in rear gable; installation of replacement of windows on top (second) floor; erection of new black painted railings along boundary with Fountainhall Lane; and, landscaping works in front curtilage to recreate garden area and 2 car parking spaces

With regards to the proposed extension, it would project 7.5m out from the rear gable and a maximum of 3.3m out from the side elevation of the projecting gable until it adjoins with the existing historic garden store building. It would have an eaves height of c. 5.7m and 8.5m to ridge. The extension would be finished in a natural slate cladding to first floor walls on east and south elevations as well as the roof, whilst the north side elevation would be finished in black vertical timber cladding like the balustrade around the perimeter of the first-floor terrace on the southern elevation. The sliding timber gate serving the car port below the terrace would also be made from similar black vertical timber cladding.

With regards to the proposed replacement detached garage, it would measure 6.5m in depth, 4m to ridge and 2.5m to eaves finished in black timber vertical cladding with black profiled metal roof covering. A single vehicle door opening will be incorporated into the principal elevation with windows and rooflights throughout and a doorway on the rear providing access into the rear garden area.

Replacement windows would be made from timber frames with sash & case openings and a two-over-two astragal pattern. Astragals would have a 28mm thickness. Trickle vents to be recessed into top sash.

Supporting Documents

All drawings, and supporting documents listed below, can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PV1X4DBZI0A00> .

- Design Statement
- Supplementary Planning Statement

CONSULTATIONS

ACC - Roads Development Management Team – An adequate level of car parking appears to have been provided but the applicant has not demonstrated that the proposed car parking facilities meet the minimum technical car parking standards.

Queen's Cross & Harlaw Community Council – No response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

With regards to Conservation Areas; Section 64 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (PLBCAA) requires that in the decision-making process special attention shall be paid to the desirability of preserving or enhancing the character or appearance of such areas. This includes views into, within, and out of Conservation Areas

National Planning Policy and Guidance

- Scottish Planning Policy
- Historic Environment Policy for Scotland (HESPS)
- Historic Environment Scotland (HES) – *Managing Change in the Historic Environment: Guidance Notes*.

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017) (ALDP)

- Policy D1 – Quality Placemaking by Design
- Policy D4 – Historic Environment
- Policy H1 – Residential Areas

Supplementary Guidance (SG)

- Householder Development Guide
- Repair and Replacement of Windows and Doors
- Transport and Accessibility

Technical Advice Notes (TANs)

- The Repair or Reinstatement of Cast Iron Railings

Other Material Considerations

- Albyn Place/Rubislaw Conservation Area Character Appraisal and Management Plan

EVALUATION

Principle of Development

Policy H1 in the ALDP states it supports new residential development in designated residential areas, providing it meets the following: it does not constitute overdevelopment, does not have an

unacceptable impact on the character and amenity of the surrounding area, does not result in the loss of valuable and valued areas of open space, and complies with relevant supplementary guidance (those stated above).

Given the proposal would be located within a defined residential curtilage, it would not give rise to a loss of valuable or valued open space. The matters of “overdevelopment” and “impact on the character and amenity of the surrounding area” are discussed in the following paragraphs, as well as compliance with relevant supplementary guidance.

Siting, Scale and Design (including impact on Conservation Area)

Extension

In order to aid the proposals compliance with policies H1 and D1 in the ALDP, extensions to residential properties shall need to accord with relevant guidance set out in the Council’s Householder Development Guide SG. The aim of the SG is to ensure “good quality design, careful siting and due consideration of scale, context and design of the parent building are key to ensuring that development does not erode the character and appearance of our residential areas. Poorly designed extensions and alterations can have a significant impact on the character and appearance of a building which, when repeated over time, can have a cumulatively detrimental impact upon the wider area”. The SG permits two storey rear extensions to detached dwellinghouses, subject to the proposal adhering to the “general principles” set out in Section 3.1.4 in the SG. It is acknowledged that the application property does not constitute a ‘traditional’ dwellinghouse insofar the building contains two flats’ but the guidance offers the most relevant guidance given the building is in entirely residential use and is detached. The most pertinent general principles are as follows:

- 1) Proposals for extensions and alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials should be complementary to the original building. Any extension should not overwhelm or dominate the original form and appearance of the building and should be visually subservient in terms of height, mass and scale;
- 2) No extension should adversely affect the residential amenity of neighbouring properties in respect of privacy and daylight;
- 3) The built footprint of a dwellinghouse, as extended, should not exceed twice that of the original building; and,
- 4) No more than 50% of the front or rear curtilage shall be covered by development.

The following paragraphs discuss the proposal’s merits relative to the general principles set out above:

Principle 1

With regards to scale, given the height of the rear gable it is accepted that a two-storey extension could be added to this elevation in principle and yet remain visually subservient. However, given the footprint of the extension would not sit entirely within the parameters of the gable and instead would wraparound it, as well as adjoining a set of outbuildings which has been historically detached from the main building, the siting and scale of the proposed structure would appear an insensitive modern addition to the historic building from Fountainhall Lane. The primary issue is the width of the extension, coupled with its height, would dominate the historic rear elevation and significantly alter its appearance from Fountainhall Lane. Moreover, given the expanse of the extension it would alter the site’s historic layout by bridging the separation between the main building and the associated outbuildings, and therefore alter the historic pattern of development within the rear curtilage of

properties along the eastern side of Fountainhall Road. The Council's Senior Conservation Officer has undertaken a site visit with the applicant and offered advice on how to modify the scale and position of the extension to remedy the Planning Service's concerns i.e. to reduce the footprint of the extension to sit entirely within the width of the projecting rear gable but the applicant has been unwilling to alter the proposals accordingly. Subsequently, the proposed scale of the extension is considered to have a significant adverse impact on the character and appearance of the conservation area.

With regards to finishing materials, whilst it is likely the proposed slate finish would be acceptable for the roof, given the height and volume of the extension, the Planning Service remains unconvinced that it would be suitable for use on the external walls. A sample had been sought from the applicant to provide them with an opportunity to demonstrate that it would be appropriate for the site's historic context, but no such sample has been provided. Mindful that the Planning Service has strong concerns about the proposed height, volume and position of the extension on the application property, it would not be competent to address this issue through use of condition if the application were supported

Although the proposed first floor balcony area would not project beyond the southern elevation of the projecting gable, the proposed balustrade around its perimeter would remain prominent from Fountainhall Lane and parts of Fountainhall Road given its dark and 'dense' appearance set above the height of the existing boundary wall. Subsequently, such a feature would be at odds with the character and appearance of the streetscape and wider conservation area. The Planning Service did ask the applicant to alter this element of the proposal to allay these concerns, but no such change was forthcoming.

Collectively, the siting, scale and massing of the extension coupled with inadequate information on the suitability of the proposed slate finish to the outer walls raises concerns that the extension would neither protect or enhance the character and appearance of the Albyn Place/Rubislaw Conservation Area. As such, the proposal would be at odds with Policy D4 in the ALDP as well as national policy and guidance published by Historic Environment Scotland, which has greater materiality than compliance with the SG's requirements given the Planning Authority's duty under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Principle 2

Given the orientation and proximity of the windows to neighbouring residential properties garden boundaries and windows serving habitable rooms, it is not considered the proposal would have an undue adverse impact on neighbours' privacy. Furthermore, given the proposed first floor balcony is orientated away from residential properties, it is not considered this pose a threat to the privacy of the nearest residential units. Finally, given the height and proximity of the extension relative to windows serving habitable rooms within the nearest neighbouring building (no. 20-22 Fountainhall Road) in residential use, it is not considered the extension would pose a threat the level of sunlight/daylight permeation into this property. Whilst the extension may have a marginal overshadowing impact on causing overshadowing in the neighbour's garden ground, this would most likely occur during the middle part of the day and in any case would most likely be a negligible impact. As such, it is not considered the proposed extension would have any undue detrimental impact on the general residential amenity of the nearest residential properties.

Principle 3 and 4

Upon undertaking calculation of the existing building's footprint and the footprint of the extension, the proposals would not pose a tension with the requirements of Principle 3. Furthermore, the footprint of the extension would not erode sufficient existing garden space to pose a tension with Principle 4.

Conclusion

In summary, whilst the proposed extension would not overdevelop the site within the context of the SG's requirements or jeopardise the residential amenity of neighbouring properties, it would not be a sensitive addition to the existing historic building in respect of its siting and scale which makes it offset from the projecting rear gable and unduly dominate the rear elevation of the application which would cause harm to the character and appearance of the conservation area from Fountainhall Lane, and in part, from Fountainhall Road. Therefore, it would fail to comply with the relevant guidance set out in the Householder Development Guide.

New Window Opening

The proposed new window at second floor level in the rear gable is of a scale which is not in-keeping with most windows within the building but its location within the application building does not pose a threat to neighbouring properties privacy. In addition, the material used to construct the window frame would be complementary to the granite façade of the building and character and amenity of the wider conservation area. Overall, on balance, this element of the proposal is not considered to raise any significant concerns in the context of policies H1, D1 and D4 in the ALDP.

Replacement windows

Although not the preferred proportions i.e. use of 28mm thick astragal as opposed to the desired 20-22mm measurement, the proposed replacement windows would enhance the character and appearance of the application property and wider conservation area given the proposed windows would be constructed from timber, as opposed to uPVC, which is what the original windows would have been constructed from. Additionally, the proposed trickle ventilation style and glazing pattern are considered acceptable attributes of the proposed windows. As such, this element of the proposal would accord with the relevant requirements of Policy D4 in the ALDP, despite not strictly according with the prescriptive requirements the Repair & Replacement of Windows and Doors SG under section 4.7.

Replacement garage at far end of garden

The proposed garage would be of a similar footprint to the existing garage and taking into consideration its height and form, would be subordinate in scale to the existing building containing two flats. The black timber cladding and black profiled metal roof would give a contemporary appearance, which would provide an assertive contrast between the garage and application property but equally respect the site's historic surroundings. Given the height and proximity of the garage relative to neighbouring properties, it is not considered it would have any undue adverse impacts on residential amenity. Overall, the proposal is considered compliant with the relevant requirements of the Householder Development Guide SG and would not have an undue adverse impact on the character and amenity of the surrounding historic area, thus aligning with the expectations of the policies H1, D1 and D4 in the ALDP.

Boundary treatment alterations

Whilst it is accepted the principle of erecting replacement railings along the side boundary adjoining Fountainhall Road would be acceptable in principle, insufficient details on the specification of the proposed replacement boundary railings has been provided despite this information being requested. However, it is considered there would be a reasonable prospect of achieving the desired specification which aligns with the TAN requirements on replacement railings at a later date, and therefore this issue could be resolved through use of condition - if the application were approved.

Akin to the proposed railings, whilst the principle of utilising two gates and a new granite rubble wall along the southern boundary in place of the existing two garages may be an acceptable modern intervention, the Planning Service is unable to verify if such a proposal is entirely acceptable as judgement is predicated on first obtaining a sample specification of the gate and stone to be used. However, it is considered that an appropriate solution could be permitted which respects the site's

historic context and this could be controlled by two suspensive conditions if the application is approved - one to seek samples of the gates and granite rubble, and the second to obtain a construction method statement for the new walls construction to ensure it is in-keeping with the existing historic boundary walls. Should such conditions be purified then this element of the proposal would be compliant with policies H1, D1 and D4 in the ALDP.

Access and Parking

The Council's Roads Development Management team has been consulted on the proposals who have identified the applicant has not demonstrated that the proposed replacement garage and car port would meet technical size standards. Upon measurement of the spaces, neither the car port below the proposed first floor terrace or replacement garage would have the required depth of 6m. Whilst the proposed parking area within the front curtilage would meet the minimum measurement standards, the proposed car parking spaces are currently in existence and are unauthorised works.

On the matter of parking provision, the proposed site layout shows space for 5 vehicles associated with the two flat units, which includes currently unauthorised car parking space within the entirety of the front curtilage. When this level of parking is considered against the standards set out in Transport & Accessibility SG, the number proposed would be excessive. It is a number which, however, is known to have previously existed prior to the unauthorised works taking place.

Notwithstanding the above point, on a separate but related matter the proposed car parking arrangement within the front curtilage raises concern in relation to the impact of the development on the character and amenity of the Albyn Place/Rubislaw Conservation Area. The established pattern of development between Fountainhall Lane and Desswood Place, in which the application site sits, includes front curtilages entirely soft landscaped with the exception of the application site. Whilst it is accepted before the current unauthorised parking arrangement was created a vehicular access and driveway existed, the front garden ground was largely soft landscaped and the vehicular access was much narrower and therefore less prominent on the Fountainhall Road streetscene. Despite the proposal incorporating some soft landscaping within the front curtilage, the car parking to remain would be very formal in its arrangement i.e. to accommodate two cars side by side as opposed to one in front of the other, and the vehicular would be significantly wider. Both these features of the proposal would be out-of-keeping with the historic character of the street which is of detriment to the original character and appearance of the conservation area. This issue is made more visually overt by the fact that the site is located at the junction with Fountainhall Lane. This part of the proposal would therefore be at odds with policies H1, D1 and D4 in the ALDP, as well as relevant aspects of national policy and guidance published by Historic Environment Scotland (HES).

Strategic Development Plan implications

In terms of assessment against the Strategic Development Plan, due to the modest scale of this proposal the proposed development is not considered to be of strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Conclusion

In conclusion, whilst it is accepted the building could accommodate a two-storey rear extension and the extension would largely comply with the Householder Development Guide SG, the siting, scale and form of the extension would not visually complement of the character and appearance of the application property and therefore would cause harm to Albyn Place/Rubislaw Conservation Area, thus is contrary to Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Furthermore, the proposed parking arrangement in the front curtilage would also fails to satisfy the same duty under the same legislation given its formalised arrangement and excessive driveway width (compared to what was known to previously exist) along the site's southern boundary with Fountainhall Lane. As such, the proposal would be at odds with policies D1, D4 and H1 in the ALDP as well as national policy and guidance published by Historic Environment

Scotland. In the absence of any other overriding material considerations, the proposal is considered unacceptable and therefore the application is recommended for refusal.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The application is refused for the following reasons:

- 1) The proposed extension by virtue of its form, scale, layout and pallet of finishing materials - would not suitably respect the scale, form and character of the existing historic building and therefore would have a detrimental impact on the character and amenity of the Albyn Place/Rubislaw Conservation Area and thus fails to preserve or enhance the character and appearance of the area. As such, the proposal would be at odds with Policy H1 (Residential Areas), Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017, as well as the relevant sections of Scottish Planning Policy, Historic Environment Policy for Scotland and Historic Environment Scotland Guidance on “Managing Change in the Historic Environment: Guidance Notes”.
- 2) The scale of hard surface landscaping, including car parking, in the front curtilage is of detriment to the character of the Fountainhall Road streetscene – especially between Fountainhall Lane and Desswood Place - and therefore is of detriment to the character and amenity of the Albyn Place/Rubsilaw Conservation Area, placing the proposal at odds with the aims of Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017.



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North 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 100173841-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Flat alterations and erection of new extension to the rear of the property, demolition of existing garages and erection of new double garage to the rear of the garden.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

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:	ABN7 Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Hugh	Building Name:	18 Fountainhall Road
Last Name: *	Hesketh	Building Number:	18
Telephone Number: *	07791266182	Address 1 (Street): *	Fountainhall Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB15 4DT
Email Address: *	hugh@abn7architects.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	W	Building Number:	16B
Last Name: *	Strachan	Address 1 (Street): *	Fountainhall Rd
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB15 4DT
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

18 FOUNTAINHALL ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 4DT

Please identify/describe the location of the site or sites

Northing

805935

Easting

392396

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

758.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Residential

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

As existing

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mrs Lindsey Hesketh

Address:

16A, Fountainhall Rd, Aberdeen

Date of Service of Notice: *

16/07/2019

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Hugh Hesketh

On behalf of: Mr W Strachan

Date: 22/07/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|---|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Hugh Hesketh

Declaration Date: 22/07/2019

Payment Details

Online payment: ABSP00004267

Payment date: 22/07/2019 16:09:00

Created: 22/07/2019 16:09

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Hugh Hesketh
ABN7 Architects
18 Fountainhall Road
Aberdeen
AB15 4DT

on behalf of **Mr W Strachan**

With reference to your application validly received on 30 July 2019 for the following development:-

**Erection of 2 storey extension including first floor terrace with carport below; installation of replacement garage to rear; formation of new window opening in rear gable; installation of replacement of windows at upper floor; alterations to boundary wall; and, landscaping works in front curtilage to create garden area and parking spaces
at 16-18 Fountainhall 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:

Drawing Number	Drawing Type
1514-PL-131 REV A	First Floor Plan (Proposed)
1514-PL-132 REV A	Roof Plan (Proposed)
1514-PL-133	Second Floor Plan (Proposed)
1514-PL-140 REV A	Multiple Elevations (Proposed)
1514-PL-141 REV A	Multiple Elevations (Proposed)
1514-PL-142 REV A	Site Cross Section
1514-PL-143 REV A	Site Cross Section
1514-PL-150 REV A	Window Cross Section
1514-PL-151	Other Drawing or Plan
1514-PL-001	Location Plan

REASON FOR DECISION

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

- 1) The proposed extension by virtue of its form, scale, layout and pallet of finishing materials - would not suitably respect the scale, form and character of the existing historic building and therefore would have a detrimental impact on the character and amenity of the Albyn Place/Rubislaw Conservation Area and thus fails to preserve or enhance the character and appearance of the area. As such, the proposal would be at odds with Policy H1 (Residential Areas), Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017, as well as the relevant sections of Scottish Planning Policy, Historic Environment Policy for Scotland and Historic Environment Scotland Guidance on "Managing Change in the Historic Environment: Guidance Notes".
- 2) The scale of hard surface landscaping, including car parking, in the front curtilage is of detriment to the character of the Fountainhall Road streetscene - especially between Fountainhall Lane and Desswood Place - and therefore is of detriment to the character and amenity of the Albyn Place/Rubislaw Conservation Area, placing the proposal at odds with the aims of Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017.

Date of Signing 29 November 2019



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)

1. First floor terrace reduced in size to be set off the side boundary wall and instead in line with side elevation of existing building;
2. Within front curtilage, garden area and formal car parking area for two cars introduced which previously was just the currently unauthorised tarmac car parking area;
3. Timber cladding removed from top of boundary walls; and,
4. Height of replacement garage on Fountainhall Lane reduced.

**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.

Notices of review submitted by post should be sent to Strategic Place Planning (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.

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Consultee Comments for Planning Application 191169/DPP

Application Summary

Application Number: 191169/DPP

Address: 16-18 Fountainhall Road Aberdeen AB15 4DT

Proposal: Erection of 2 storey extension, terrace with enclosure, carport and installation of replacement garage to rear; formation of new window opening and replacement of windows at upper floor and alterations to boundary wall, including demolition of existing garages

Case Officer: Jamie Leadbeater

Consultee Details

Name: Mr Michael Cowie

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for erection of 2 storey extension, terrace with enclosure, carport and installation of replacement garage to rear; formation of new window opening and replacement of windows at upper floor and alterations to boundary wall, including demolition of existing garages at 16-18 Fountainhall Road, Aberdeen AB15 4DT.

I can confirm that adequate parking provision is provided, however there does not appear to be dimensions/details for the proposed car port nor the replacement garage. The car port requires to be at least 6m in depth from road edge while also being internally drained and not surfaced within loose materials at least within the first 2m. The garage requires to have a minimal internal size of 5.7m x 5.7m.

Upon confirmations of the above Roads Development Management shall be able to provide finalised comments on this application, however should the above be met there would be no objection.

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Application Summary

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Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

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I can confirm that adequate parking provision is provided, however there does not appear to be dimensions/details for the proposed car port nor the replacement garage. The car port requires to be at least 6m in depth from road edge while also being internally drained and not surfaced within loose materials at least within the first 2m. The garage requires to have a minimal internal size of 5.7m x 5.7m.

Upon confirmations of the above Roads Development Management shall be able to provide finalised comments on this application, however should the above be met there would be no objection.

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National Planning Policy

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

Historic Environment Policy for Scotland (HESPS)

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=1bcfa7b1-28fb-4d4b-b1e6-aa2500f942e7>

Aberdeen City and Shire Strategic Development Plan (SDP)

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=1111&SID=90>

Aberdeen Local Development Plan (ALDP)

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

Policy H1 – Residential Areas

Supplementary Guidance

Householder Development Guide

<https://www.aberdeencity.gov.uk/sites/default/files/2.1.PolicySG.HouseHoldDesignGuide.pdf>

Repair and Replacement of Windows and Doors

<https://www.aberdeencity.gov.uk/sites/default/files/1.1.PolicySG.WindowsDoors.pdf>

Transport and Accessibility

<https://www.aberdeencity.gov.uk/sites/default/files/5.1.PolicySG.TransportAccessibility.pdf>

Technical Advice Notes

TAN2: Repair or Reinstatement of Cast Iron Railings

https://www.aberdeencity.gov.uk/sites/default/files/Railings_1.pdf

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North 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 100235983-003

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:	Aurora Planning Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Pippa	Building Name:	
Last Name: *	Robertson	Building Number:	22
Telephone Number: *	07378164327	Address 1 (Street): *	Rubislaw Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB10 1XE
Email Address: *	pippa@auroraplanning.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" value="c/o agent"/>
First Name: *	<input type="text" value="W"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Strachan"/>	Address 1 (Street): *	<input type="text" value="c/o agent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="c/o agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@auroraplanning.co.uk"/>		

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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="16 - 18 Fountainhall Road, Aberdeen, AB15 4DT"/>
--

Northing	<input type="text"/>	Easting	<input type="text"/>
----------	----------------------	---------	----------------------

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 2 storey extension including first floor terrace with carport below; installation of replacement garage to rear; formation of new window opening in rear gable; installation of replacement of windows at upper floor; alterations to boundary wall; and landscaping works in front curtilage to create garden area and parking spaces

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 paper apart

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)

Plan submitted showing details of parking to address concerns which the applicant was not given an opportunity to address previously. Reference is also made to letters of support from local Councillors which were received after the application was determined, as local Councillors couldn't comment before then and are not able to address the LRB. And CLUD for hard surface landscaping works granted since the application was determined. For further details, please see the paper apart.

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)

Please see appendix four to the paper apart

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

191169/DPP

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

22/07/2019

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

29/11/2019

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 *

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)

A site visit would allow members to appreciate the site context as described in the paper apart

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: Miss Pippa Robertson

Declaration Date: 26/02/2020

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**16 – 18 FOUNTAINHALL ROAD
ABERDEEN
AB15 4DT**

**NOTICE OF REVIEW
UNDER
S.43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

in respect of

DECISION TO REFUSE PLANNING APPLICATION REFERENCE 191169/DPP

PAPER APART



1 Introduction

- 1.1 Planning application reference 191169/DPP was submitted to Aberdeen City Council on 22 July 2019 (validated 30 July 2019), seeking the *“Erection of 2 storey extension including first floor terrace with carport below; installation of replacement garage to rear; formation of new window opening in rear gable; installation of replacement of windows at upper floor; alterations to boundary wall; and, landscaping works in front curtilage to create garden area and parking spaces ”* at 16 – 18 Fountainhall Road, Aberdeen.
- 1.2 These proposed works are intended deliver significant improvements to the property and to allow the flats within this to function as modern family homes by creating additional space in the lower flats, with a better connection to the garden area to the rear. In doing this, the extension has been designed to be a high quality contemporary addition to the property that adopts the familiar materials, language and form of its domestic neighbours, and which represents a positive contribution to the Conservation Area within which the application site is located. At the same time, a number of the improvements that would be delivered are actively sought by the Conservation Area Appraisal and Management Plan for the area, including the replacement of the existing uPVC windows with new double glazed timber sash windows and re-introducing soft landscaping to the front curtilage of the site, while also removing the existing unsightly and disjointed asbestos garages and replacing these with a new cohesive and considered garage and extension.
- 1.3 The application was refused by officers under delegated powers on 29 November 2019, with the Decision Notice [Document 27] giving the reasons for refusal as being:
- 1) *“The proposed extension by virtue of its form, scale, layout and pallet of finishing materials - would not suitably respect the scale, form and character of the existing historic building and therefore would have a detrimental impact on the character and amenity of the Albyn Place/Rubislaw Conservation Area and thus fails to preserve or enhance the character and appearance of the area. As such, the proposal would be at odds with Policy H1 (Residential Areas), Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017, as well as the relevant sections of Scottish Planning Policy, Historic Environment Policy for Scotland and Historic Environment Scotland Guidance on "Managing Change in the Historic Environment: Guidance Notes"”.*
 - 2) *The scale of hard surface landscaping, including car parking, in the front curtilage is of detriment to the character of the Fountainhall Road streetscene*



- especially between Fountainhall Lane and Desswood Place - and therefore is of detriment to the character and amenity of the Albyn Place/Rubislaw Conservation Area, placing the proposal at odds with the aims of Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017."

1.4 It should however be noted that the hard surface landscaping referred to in the second reason for refusal constitutes existing works and, since the application was refused, a Certificate of Lawful Development was granted in respect this (191795/CLE) [Document 36]. As such, planning permission is not required for these works, the impact of these on the character and amenity of the Conservation Area is not relevant to the determination of the application, and the second reason for refusal cannot therefore be upheld.

1.5 It should also be noted that the first reason for refusal refers only to the proposed extension, and not to the installation of a replacement garage, the formation of a new window opening in the rear gable, the installation of replacement windows at upper floor level, and alterations to boundary wall. As such, these works are understood to be acceptable. In this regard, the Report of Handling for the application [Document 26] makes it clear that:

- the proposed new window at second floor level in the rear gable does not pose a threat to neighbouring properties' privacy and the proposed materials for this would be complementary to both the granite façade of the building and character and amenity of the wider Conservation Area, such that this does not raise any significant concerns in the context of Policies H1, D1 and D4.
- the proposed replacement windows, which would be constructed from timber (not uPVC), would enhance the character and appearance of the application property and wider Conservation Area, and accordingly comply with the requirements of Policy D4. In reaching this conclusion, the Report of Handling does also indicate that the proposed windows do not strictly accord with the prescriptive requirements of section 4.7 of Supplementary Guidance: The Repair and Replacement of Windows and Doors [Document 30]. However, section 4.7 merely requires that, if non-historic windows on the public elevation of an unlisted building within a conservation area are being replaced, the reinstatement of the original types and arrangements of windows will always be encouraged. As acknowledged in the Report of Handling, the original windows would have been timber as is now proposed, such that this should be encouraged accordingly in terms of the Supplementary Guidance.



- the proposed replacement garage would comply with the relevant requirements of Supplementary Guidance: Householder Development Guide [Document 29] and would not have an undue impact on the character and amenity of the surrounding historic area, thus aligning with the expectations of Policies H1, D1 and D4.
- subject to conditions requiring the submission of further details and samples for the proposed replacement boundary railings, the new gates and new granite rubble wall, as well as a construction method statement for the new wall's construction, the proposed alterations to the boundary treatments would comply with Policies H1, D1 and D4. The applicant would be happy to accept conditions to this effect.

1.6 It is also recognised that Aberdeen City Council's Roads Development Management Team's consultee response [Document 25] stated that it had not been demonstrated that the proposed car parking facilities would meet the minimum technical car parking standards. The applicant was not given an opportunity to respond to this during the course of the application, but a revised ground floor plan has been submitted with this Notice of Review [Document 37] on which it is shown that the Roads Development Management Team's requirements are met – i.e. that the car port is at least 6m in depth from the road edge while also being internally drained and not surfaced with loose materials within at least the first 2m, and that the garage has a minimal internal size of 5.7m x 5.7m (not 6m as stated in the Report of Handling). On the basis that the technical standards are met, the Roads Development Management Team's response makes it clear that they would have no objection to the application.

1.7 Also on access and parking, it should be noted that the level of parking proposed is not excessive when considered against the standards set out in Supplementary Guidance: Transport and Accessibility [Document 31], with the 5 spaces provided equating to 1.5 for each of the three flats in the property in accordance with this. In any event, as noted in the Report of Handling, the level of parking is pre-existing.

1.8 In light of paragraphs 1.4 to 1.7 above, this paper apart focuses primarily on the concerns raised in respect of the proposed extension, this being the only element of the works for which planning permission is required and for which it has been refused. A review of the decision to refuse the application is now sought on the grounds that the proposed extension:

- complies with all relevant criteria of Policy H1 of the Aberdeen Local Development Plan [Document 28], the Council's Supplementary Guidance Householder Development Guide and Historic Environment Scotland's Managing Change series of guidance notes – Extensions (2010) [Document 35];



- has been designed to take account of the historic context and make a positive contribution to this;
- is in keeping with other end terrace properties on Fountainhall Road which have historic offshoots that are offset from the main building and wrap around this (for example, properties at the junctions of Fountainhall Road and Carlton Place, Desswood Place (both East and West), and the lane between Desswood Place and Beaconsfield Place);
- facilitates positive change in the historic environment by giving a new use to currently dilapidated outbuildings, which is preferable to the alternative of these being demolished, and the detached nature of which is not identified in the Conservation Area Character Appraisal and Management Plan [Document 32] as making any significant contribution to the character of the Conservation Area with there, therefore being no reason for them to be retained as such; and
- features materials which are appropriate for the building and its setting, with the applicant happy for the provision of samples of materials to be subject to condition.

1.9 In addition to the above points, the Report of Handling confirms that:

- a two-storey extension is acceptable in principle;
- the proposed extension would not overdevelop the site within the context of the requirements of the Supplementary Guidance;
- residential amenity of neighbouring properties would not be jeopardised;
- there would be no loss of valuable or valued open space; and
- it is likely that the proposed slate finish would be acceptable for the roof;

1.10 In light of these points, in particular the fact that the Report of Handling states that the proposed extension would not constitute overdevelopment of the site within the context of the requirements of the Supplementary Guidance, it is not clear on what grounds the scale of the building is considered inappropriate and why it is then included in the reasons for refusal. Given that it clearly complies with the Supplementary Guidance, which has the same weight in decision making as the



Development Plan, there is no justification for refusing the application on the grounds of the scale of the proposed extension.

- 1.11 The only outstanding concerns then relate to the extent to which the extension comprises a sensitive addition to the existing building in terms of its siting, the use of slate on the external walls, and the impact of this on the character and appearance of the Conservation Area. These are addressed in detail in section 3 below.
- 1.12 It should also be noted that there were no objections to the application from any neighbours, statutory consultees or others, subject to demonstrating that the proposed car parking meets the required technical standards as sought by Aberdeen City Council's Roads Development Management Team and as addressed in paragraph 1.6 above. In addition, since the application was refused, the applicant has received letters of support for the proposed development from all of his local Councillors, copies of which are provided at Appendix One. While it is recognised that these letters have been made outwith the statutory timescale for commenting on the application, it is submitted that they should still be taken into account in connection with this Review on the basis that the points raised are directly relevant to the question of the character of the area and the impact that the proposed development might have on this. In addition, local members would not have commented on the application previously on the basis that doing so would have prevented them from participating in the decision making process in the event that the application required to be determined by the Planning Development Management Committee. This support should be taken into account as a significant material consideration in favour of the application.
- 1.13 A full list of other documents submitted in support of this Review is provided in Appendix Four, including updated visualisations which were submitted during the course of the application, but which were not uploaded onto the Council's website at that time. For the avoidance of doubt, these visualisations supersede the visualisations provided in the Design Statement submitted with the application [Document 3].

2 Policy context

- 2.1 Full details of both the application and the policy context against which it requires to be determined are set out in the Supplementary Planning Statement submitted with the application [Document 4], which should be read in conjunction with this paper apart. That Statement was prepared in response to concerns expressed by the case officer with regards to the scale, siting and design of the proposals, and was submitted together with revised plans that were prepared to address these. A full list of the issues



that were raised and how each of these were addressed is provided in paragraph 1.3 of the Statement, in light of which it is submitted that the application as amended at that time should be supported as being in accordance with the Aberdeen Local Development Plan.

2.2 In particular, it should be noted that:

- whereas the Report of Handling indicates that the primary issue with the proposed extension is its width coupled with its height, the Council's Supplementary Guidance makes it clear that a two storey extension is acceptable here in principle, as is the proposed footprint size of this (points that are also acknowledged in the Report of Handling as noted in paragraph 1.9 above);
- related to this, whereas the Report of Handling expresses concerns about the fact that the proposed extension would not sit entirely within the parameters of the gable and would adjoin a set of outbuildings that has historically been detached from the main building, there is no policy reason for requiring this and the proposed extension complies with all relevant policy requirements as it is, including the Council's Supplementary Guidance and Historic Environment Scotland's Managing Change guidance notes on extensions (2010) which details a number of principles with which extensions should comply as set out in paragraph 3.27 of the Supplementary Planning Statement and included as Appendix Three to this paper apart, along with a summary of how the proposed extension complies with each of these;
- contrary to what is stated in the Report of Handling, the design of the proposed first floor balcony was amended during the course of the application to be flush with the existing gable end as sought by the case officer, such that this can only be seen when viewed from the south, and not when looking at the property front on from Fountainhall Road, with the balustrade materials also changed during the course of the application such that this is to be constructed with open timber spindles that are visually lighter than those proposed originally, as shown on drawing number 1514-PL-151 [Document 22];
- the incorporation of the wash house into the proposed extension to create the study and courtyard area will give a new use to this currently dilapidated element of the built environment in accordance with Policy D4 – Historic Environment of the ALDP and facilitating positive change in accordance with Scottish Planning Policy [Document 33] and Historic Environment Policy for Scotland [Document 34]; and



- further details on how the design of the proposed extension has been informed by the historic context and seeks to make a positive contribution to the historic environment are provided in the Design Statement also submitted with the application, with this respecting the pattern of development in the Conservation Area and addressing a number of issues identified in the Conservation Area Character Appraisal and Management Plan as set out in paragraph 3.21 of the Supplementary Planning Statement.
- 2.3 Changes were also made to the boundary treatments and the height of the proposed garage as sought by the case officer.
- 2.4 The changes that were made as outlined above and described in more detail in the Supplementary Planning Statement demonstrate the applicant's commitment to working with planning officers to ensure that the proposed works are befitting of their setting without compromising on the benefits that these will bring, both in terms of improving the level of amenity currently enjoyed by residents of the property, and in terms of making positive changes to the historic environment. As such, where the Report of Handling indicates that requested changes were not forthcoming, this is not accurate.
- 2.5 In addition, and although not directly relevant to the reason for refusal to which this Notice of Review relates, it should be noted that the Report of Handling inaccurately states that the building comprises two flats, whereas it actually comprises three flats.
- 2.6 It should also be highlighted that 16 – 18 Fountainhall Road is not listed or subject to any other special designations, and the application requires to be assessed accordingly, as well as in the context of neighbouring development. The building is located adjacent to a large 3 story office building (Blenheim House), in addition to which modern 3 storey flats and the modern building of the Rubislaw Church Centre are visible from the front door of the property. Photos of these buildings are included in Appendix Two. It is important to take into account both the relationship of these to the application site, and their impact of on the character of the streetscape as a whole (see photos 1,2, 4 and 7 showing Blenheim House, photo 8 showing the flats, and photo 9 showing the Rubislaw Church Centre).
- 2.7 Having assessed the proposed development against all relevant Development Plan Policies, Supplementary Guidance and material considerations in the Supplementary Planning Statement, it is submitted that the application should be approved on the basis that it complies with the Development Plan and is also supported by other relevant material considerations, with no material considerations to indicate otherwise.



2.8 In this regard, the Report of Handling states that the Planning Authority's duty under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that guidance published by Historic Environment Scotland has greater materiality than compliance with the requirements of the Council's Supplementary Guidance. This is however a mis-representation of the statutory test by which planning applications must be determined, namely that they must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is one such material consideration and, as set out in the Report of Handling, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This does not however alter the primacy of the Development Plan in the decision-making process, and the application requires to be determined accordingly.

3 Reason for refusal

3.1 As set out above, the reason for refusal to which this Notice of Review relates states that:

"The proposed extension by virtue of its form, scale, layout and pallet of finishing materials - would not suitably respect the scale, form and character of the existing historic building and therefore would have a detrimental impact on the character and amenity of the Albyn Place/Rubislaw Conservation Area and thus fails to preserve or enhance the character and appearance of the area. As such, the proposal would be at odds with Policy H1 (Residential Areas), Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017, as well as the relevant sections of Scottish Planning Policy, Historic Environment Policy for Scotland and Historic Environment Scotland Guidance on "Managing Change in the Historic Environment: Guidance Notes"

3.2 Notably, this refers to 16 – 18 Fountainhall Road as an historic building, in respect of which its location in the Albyn Place/Rubislaw Conservation Area is noted. Due account has been given to this in the design process as set out in applicant's Design Statement and referred to in paragraph 2.2 above. As highlighted in paragraph 2.6 above however, it should be noted that the building is not listed or subject to any other special designations that would warrant it being given special protection.

3.3 In terms then of the impact of the proposed extension on the building, the primary concerns expressed in the Report of Handling are that the footprint of the extension would not sit entirely within the parameters of the gable, and would adjoin a set of



outbuildings which has historically been detached from the main building. As set out in the second bullet point of paragraph 2.2 above however, there is nothing in any of the Policies cited in the reason for refusal that would require the proposed extension to be contained within the existing gable, or for the outbuildings to remain detached, subject to the extension otherwise being architecturally compatible and visually subservient to the original building.

- 3.4 In this regard, as set out in the Supplementary Planning Statement, the proposed extension both has a significantly smaller footprint than the original property and is a full storey lower in height, the combination of which clearly make it actually and visually subservient, with the original property still visible above and to either side of this. Specifically, the first floor level of the proposed extension is 600mm below the first floor level of the existing building and has been deliberately offset from the gable so that the gable is still visible behind it. At the same time, the use of a pitched roof to match the existing one and materials such as natural slate cladding are proposed to ensure that the extension respects the original property in terms of architecture and design.
- 3.5 By way of background to the current proposal, various options for the positioning of the extension were explored, including having this sit entirely within the parameters of the gable as sought by the case officer. However, it was decided that the current proposal was the most sympathetic for the site on the basis that it breaks up the elongated massing of the existing blank and narrow granite gable wall. It also sets the extension back from Fountainhall Lane such that the massing of it is reduced when viewed from here, whereas having it within the parameters of the gable would bring it 1.2 metres closer to the lane and increase the massing accordingly.
- 3.6 It should also be noted that the wrap around nature of the proposed extension is in keeping with other end of terrace properties along Fountainhall Road, with properties at the junctions of Fountainhall Road and Carlton Place, Desswood Place (both East and West), and the lane between Desswood Place and Beaconsfield Place all having historic offshoots that are offset from the main building and wrap around it. Photos of such properties are included in Appendix Two (see photos 10, 11 and 12) and the extension proposed in terms of this application would reflect this pattern of development, with no negative impact on the character of the area as a result.
- 3.7 Likewise, whereas the Report of Handling states that the incorporation of the outbuildings “*would alter the historic pattern of development within the rear curtilage of properties along the eastern side of Fountainhall Road*”, it should be noted that only three plots along this side of the road have such outbuildings. Further, as set out in the last bullet point of paragraph 3.21 of the Supplementary Planning Statement, the



Character Appraisal and Management Plan makes no reference to outbuildings making any particular contribution to the character of the Conservation Area. As such, there is no reason to retain these as separate buildings, and the incorporation of these into the proposed extension would not have any significant impact on the historic pattern of development in the area. Importantly it should be noted that the applicant could demolish the outbuildings without the need for planning permission, subject only to receiving Conservation Area Consent (which, in the absence of any evidence of these making any particular contribution to the character of the area as noted above, could be expected to be granted). When considered against this alternative, the incorporation of the outbuildings into the extension in a way that retains them and gives them new use is clearly the preferable option.

- 3.8 In terms of materials, the Report of Handling states that the case officer is unconvinced that natural slate would be suitable for use on external walls, and that a sample was sought to enable the applicant to demonstrate that it is appropriate for the site's historic context. To inform this proposal, a number of different options for materials were explored, including zinc, render, granite and fully cladding the extension in timber. However, natural slate (used in a contemporary manner) was chosen on the basis that it is a high quality material that is used widely in the local area, including on the terraced flats opposite on Blenheim Place (see photo 5 of Appendix Two). As a result, local tradesmen are well skilled at working with this, which helps to ensure the quality of both the initial works and, if required, any maintenance. Conversely, one of the main reasons for not choosing zinc was it would require skills from further afield. Essentially, natural slate has a significant longevity and ages well, ensuring the extension has a contemporary and timeless appearance. At the same time, it is sympathetic to the character of the Conservation Area, providing a strong relationship to the local context.
- 3.9 This assessment of the proposed use of natural slate was also endorsed by the Council's Conservation Officer who visited the site during the course of the application, and who stated that he "really liked" the materials proposed for the project. His only concerns in this regard related to the balustrade, which has now been modified to address these as set out in the third bullet point of paragraph 2.2 above and in the Supplementary Planning Statement.
- 3.10 It is also noted that the case officer requested a sample of the natural slate and has indicated in the Report of Handling that it would not be appropriate to make this subject to a condition. However, on the basis that the height, volume and position of the proposed extension should be considered appropriate for the reasons set out in this paper apart and in the Supplementary Planning Statement, there is no reason why



this should not be conditioned, as is common in many planning applications, and the applicant would be happy to accept a condition to this effect.

3.1 As referred to above, the Report of Handling also expresses concerns about the materials used on the proposed terrace's balustrade. However, these have been changed as noted in third bullet point of paragraph 2.2 above to address concerns raised previously, with the proposed materials being akin to those proposed for the garage, and the Report of Handling describing those as having a contemporary appearance that would *"provide an assertive contrast between the garage and the application property but equally respect the site's historic surroundings"*. The same conclusion should accordingly be reached in respect of the use of the same material on the balustrade. At the same time, the Report of Handling indicates that a full two storey extension would be acceptable in this location, which would have a significantly greater impact on the streetscape than the proposed terrace and balustrade would, even if set back slightly from the gable edge.

3.2 In light of the foregoing paragraphs, it is submitted that there are no grounds for concluding that the proposed extension does not respect the scale, form and character of the existing historic building, nor that it would have a detrimental impact on the character and amenity Conservation Area. Conversely, the proposed extension complies with both the Development Plan (including relevant Supplementary Guidance) and relevant policy documents on the historic environment as set out in the Supplementary Planning Statement, and should therefore be supported accordingly.

4 Conclusion

4.1 For the reasons given in this paper apart, it is submitted that the proposed extension:

- complies with all relevant criteria of Policy H1 of the Aberdeen Local Development Plan, the Council's Supplementary Guidance Householder Development Guide and Historic Environment Scotland's Managing Change series of guidance notes – Extensions (2010);
- has been designed to take account of the historic context and make a positive contribution to this;
- is in keeping with other end terrace properties on Fountainhall Road which have historic offshoots that are offset from the main building and wrap around this (for example, properties at the junctions of Fountainhall Road and Carlton Place, Desswood Place (both East and West), and the lane between Desswood Place and Beaconsfield Place);



- facilitates positive change in the historic environment by giving a new use to currently dilapidated outbuildings, which is preferable to the alternative of these being demolished, and the detached nature of which is not identified in the Conservation Area Character Appraisal and Management Plan as making any significant contribution to the character of the Conservation Area with there, therefore being no reason for them to be retained as such; and
- features materials which are appropriate for the building and its setting, with the applicant happy for the provision of samples of materials to be subject to condition.

4.2 At the same time, all other elements of the proposed development comply with the Development Plan for the reasons given in the Report of Handling and set out in paragraph 1.5 above.

4.3 As the proposed development would provide a high-quality contemporary extension that positively enhances the conservation area and complies with the Development Plan and no material considerations indicate otherwise, the review should be allowed, and the application approved.



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26 February 2020

Aberdeen City Council
Town House
Broad Street
Aberdeen AB10 1FY

Hugh Hesketh
16A Fountainhall Road
Aberdeen
AB15 4DT

Dear Hugh,

16-18 Fountainhall Road: 191169/DPP

Further to our meeting last week, I am writing to confirm my support for your appeal against refusal of planning permission for your proposed extension. While I understand the officer's rationale for refusal, I disagree with his interpretation of the relevant policies.

The reason given for refusal is that the proposal would have a detrimental impact on the character and amenity of the conservation area, and thus be at odds with Policies H1, D1, and D4 in the Aberdeen Local Development Plan 2017, as well as Historic Environment Scotland Guidance on 'Managing Change in the Historic Environment'.

- Policy H1 requires that any development '*does not have an unacceptable impact on the character and amenity of the surrounding area*'. I do not consider your proposal has such an impact: while this is a conservation area and the property in question is traditional, there are a number of large, modern buildings in the immediate vicinity, including Rubislaw Church Hall, on the opposite side of Fountainhall Road, and, in particular, the very large Ernst and Young offices immediately to the south. I could also mention the modern flats at Dempsey Court, on Queen's Lane North, just around the corner. It is also the case that your proposed extension is at the rear, and would only be visible from Fountainhall Lane, not from Fountainhall Road.
- Policy D1 requires developments to have '*high standards of design and have a strong sense of place, which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials*'. I believe your proposal meets this test, and, in particular, is far more appropriate *in context*, given the presence of several large, modern buildings mentioned above. I believe your proposal also meets the requirements of Policy D4 for essentially similar reasons, namely the context of the immediate vicinity.
- I note that your proposal involves using slate on the vertical elevations. While this is a different material from the current building, it is a traditional material, and I believe that the proposal is entirely compatible with Historic Environment Scotland's guidance, 'Managing Change in the Historic Environment: Extensions'. Paragraph 3.6 of that states that '*quite substantial additions can be made to some buildings without detracting from the character of the original work*'. I also consider that your proposal

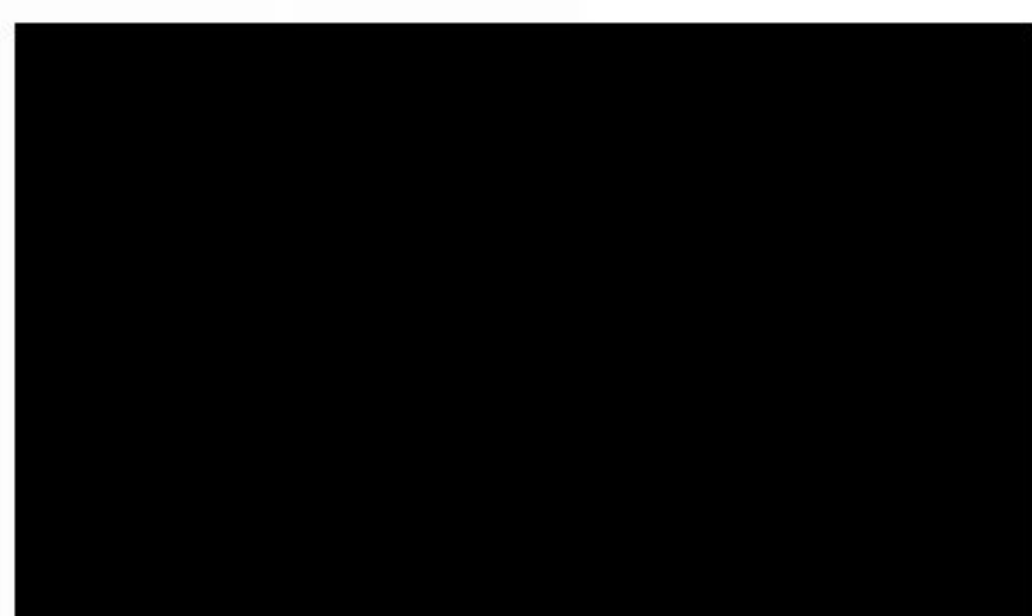
is 'differential contrast' defined in paragraph 3.7 as being '*where the new becomes a self-effacing backdrop against the old. Even if it is large, it seeks not to be assertive*'.

- I also note the reasoning in the handling report that the '*scale of hard surface landscaping, including car parking, in the front curtilage is of detriment to the character of the Fountainhall Road street scene – especially between Fountainhall Lane and Desswood Place*'. I understand that since the application was refused, a Certificate of Lawful Development was granted in respect of this, so planning permission is not required. In addition, I note that your proposal involves reducing the area of the hard surface and replacing some of it with soft landscaping.

In addition to the above points, I note that the officer's handling report agrees that the proposal does not constitute overdevelopment, would have no impact on the privacy of neighbours, and largely complies with Supplementary Guidance on Householder Development.

In view of all the above, I consider it would be unreasonable to refuse the application.

Kind regards



Councillor John Cooke
Elected Member for Hazlehead / Queen's Cross / Countesswells



Hugh Hesketh
16 Fountainhall Road
Aberdeen AB15 4DT

Dear Hugh,

Detailed Planning Permission 191169 (16-18 Fountainhall Road, Aberdeen AB15 4DT)

I fully support this application for planning permission because it will positively enhance the site and the area. The proposal relates appropriately to policies H1, D1 and D4.

This development will contribute to the local built environment as an example of appropriate, attractive design. It is a welcome improvement to a site that, since originally built, has seen various changes and modifications. The current application is a sensitive and timely upgrade. This improvement will create a better and enriched impression on the surroundings. Furthermore, it is good to know that residential functionality of the dwelling will be enhanced and brought up to date.

The proposal will have minimal visual impact on the surrounding area. The scale and massing are not oppressive. In their context, the design, materials and finish give a suitable and attractive impression.

No concerns have been expressed by neighbouring residential properties, by any other third party or by the community council. There is no meaningful impact on the surrounding environment. There are commercial premises lying on the south side of this site; ie the office blocks "Blenheim House" and "Blenheim Gate". There is a car park directly behind 16-18 Fountainhall Road. Any visual impact on properties to the east is minimal. Facing the site to the east is housing at 57 and 59 Blenheim Place, This is about 65metres distant and located at an offset angle. There is also a row of tenements to the east. The closest appears to be 16 Blenheim Place which is approximately 100metres away.

The design is appropriate for this specific rear lane location. In this area, the built environment of rear lanes is varied. These lanes include Albert Lane, Blenheim Lane, Queens Lane North; and farther afield: Queens Lane South, Albyn Lane, etc. These lanes contain an inconsistent mixture of garages and small buildings each of differing quality and appearance. This diversity contributes towards the distinctive historical make up and sense of the whole area. The mixed appearance of rear lanes is accepted as part of the evolution of the local area. Rear lane developments offer interest and variety in contrast to the more regular, distinguished frontages of West End streets. In the case of 16-18 Fountainhall Road, careful, reasoned choices have been made to select a solution that will add to and enhance the character and visual enjoyment of the lane. A positive contribution is proposed for the rear lane and, at the same time, the architectural integrity of the front facing aspect is preserved.

DPP 191169 is a development of high quality in both appearance and materials.

I urge that consent is given so that this desirable development can go ahead.

Yours sincerely,

Your Ref.
Our Ref. jas
Contact Jennifer Stewart
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ABERDEEN CITY COUNCIL

24 February 2020

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Planning application 191169 / DPP

I am a local councillor where the above application is located at 16 - 18 Fountianhall Road, Aberdeen AB15 4DT. I have read the plans and visited the site.

In my view and based on 13 years as a councillor and on the planning committee, my view is to support the application. I ask the Local Review Body to support the appeal in respect of the applicant.

The proposal to extend at the rear of the property in my view will enhance family living as is the want of today. The proposals will enhance the property and make a positive distraction from what can be seen as a dense mass of a gable end.

The application is not in my view an over development of the site. The balcony on first level is sympathetic to the area. There is similar development at 2 St Swithin Street, and on the corner of St Swithin Row which has a balcony on first floor.

There are no objections to this planning application.

It does not overlook on to residential properties and is discrete in terms of the parallel it runs at the side of the lane i.e. Blenheim Lane. Privacy will be maintained.

The applicant proposes enhancing the property by installing traditional sash and case windows. In the report the applicant view is that this is portrayed in a negative light and not recognised for trying to reinstate the property's original features.

Another concern of the applicant is the council's approach to the front of the property and work which was carried out a few years ago. The applicant has a certificate of lawfulness, which means that the council should not be using the changes made previously as a reason to object the proposed application.

It is the applicant's intention to introduce soft landscaping to the front of the property.



Choose products with the FAIRTRADE Mark

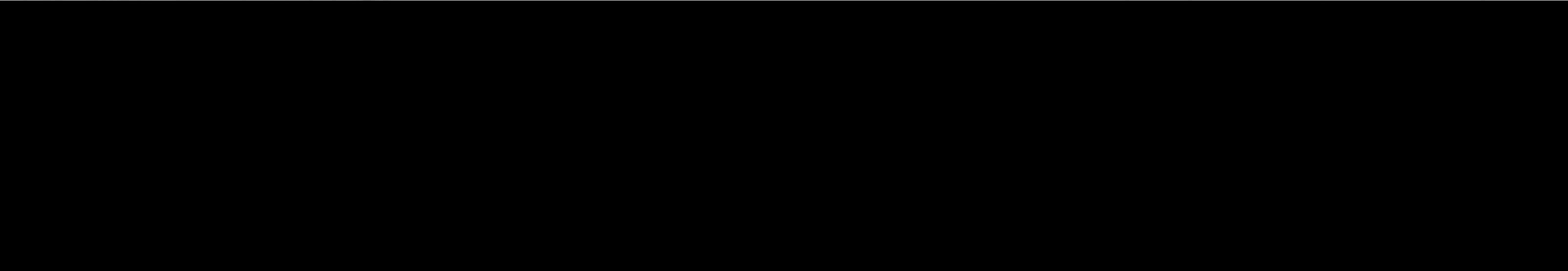
Planning officials have advised me that if the application were submitted now, and given the council are now in receipt of the letter of lawfulness, there would only be one point for objection.

It is my firm view that the application should be permitted and the appeal up held,

As local councillors are not allowed to be on the Local Review Body (LRB) when an appeal is in their ward, the only possible conduit for true constituent representation to the body, is for a letter from myself.

I ask kindly that's the appeal in respect of the above application is upheld.

Yours sincerely



Councillor Jennifer Stewart
Depute Provost & Convenor Public Protection Committee



Your Ref:
Our Ref: 191169/DPP
Contact: Cllr C Imrie
Email: cimrie@aberdeencity.gov.uk
Direct Dial: 01224 346640

Mr & Mrs Hesketh
16A Fountianhall Road
Aberdeen
AB15 4DT
24th February 2020

For the attention Jamie Leadbeater, Case Officer
Planning Application Ref - 191169/DPP

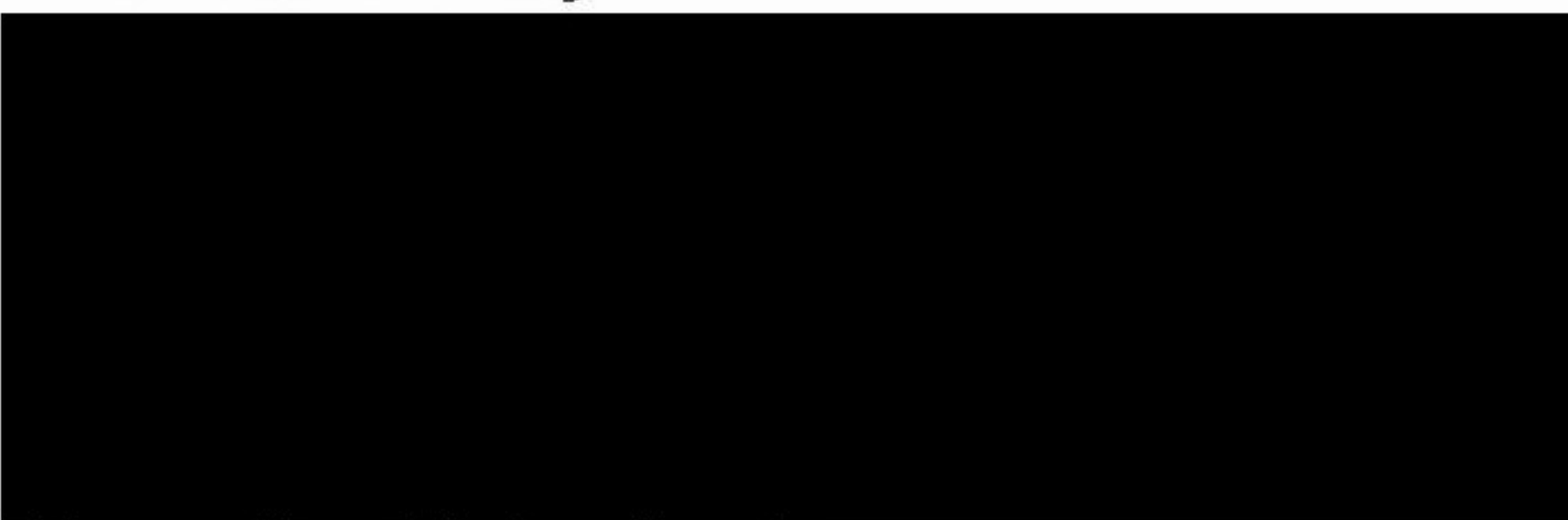
Dear Sir / Madam

Erection of 2 Storey extension including first floor terrace with carport below; installation of replacement garage to rear; formation of new window opening in rear gable; installation of replacement of windows at upper floor; alterations to boundary wall; and landscaping works in front curtilage to create garden area and parking spaces.

I write in connection with the above planning application. I have examined the plans and know the site well. I wish to offer my full support to the proposal, for the reasons outlined below.

- There are no residential properties overlooking the development that would cause any concern.
- Materials used in this project are sympathetic to the surrounding and existing materials in area.
- I understand this proposal is supported by Local community councils including residential neighbours to the right of property are in favour of proposed plans. (No residential properties are to the left of property)
- The proposed plans will improve the visual amenity to the property with still keeping within the boundaries of legislation.

Yours Faithfully



Councillor Claire Imrie
Member for Queens Cross/Hazlehead/Countesswells Ward Aberdeen City Council
First Floor | Town House | Broad Street | Aberdeen | AB10 1FY - Direct Dial: 01224 346640

Appendix Two - Site Photographs



Photo 01. Taken from the rear garden of 16-18 Fountainhall Rd looking South. The garden is dominated and overlooked by the modern three storey office building (Blenheim House).



Photo 02. Taken from the rear garden of 16-18 Fountainhall Rd looking South East. The office building at 53 Blenheim Pl also over looks the garden.



Photo 03. The existing back garden and rear elevation of 16-18 Fountainhall Rd.



Photo 04. Taken from the corner of Fountainhall Lane looking West highlighting the massing of the neighbouring office building.



Photo 05. Taken from the rear garden of 16-18 Fountainhall Rd looking East showing the slate mansard roof of Blenheim Pl which has informed the material palette of the proposed extension.



Photo 06. The existing washhouse taken from the back door of 18 Fountainhall Rd. The building is derelict and redundant and has been unused for in excess of 20 years.



Photo 07. Blenheim House taken from front curtilage of 18 Fountainhall Rd



Photo 08. Taken from front door of 18 Fountainhall Rd showing modern three storey flats opposite



Photo 09. Rubislaw Church Centre taken from front door of 18 Fountainhall Rd



Photo 10. Carlton Pl Junction with Fountainhall Rd highlighting the pattern of unsymmetrical rear offshoots to corner plots on Fountainhall Rd. The offshoot to the left wraps around the main mass of the property.



Photo 11. Lane between Desswood Pl and Beaconfield Pl at junction with Fountainhall Rd. The corner plot has a rear offshoot that is not symmetrical and wraps around the property.



Photo 12. Desswood Pl junction with Fountainhall Rd. The two storey offshoot to the left wraps around the property.

Appendix Three – Criteria set out in Historic Environment Scotland’s Managing Change series of guidance notes – Extensions (2010)

The guidance sets out a number of principles to be applied to proposed extensions as set out below.

- **An addition or extension should play a subordinate role. It should not dominate the original building as a result of its scale, materials or location, and should not overlay principal elevations** – the proposed extension would be subordinate as a result of being significantly smaller than the original building in both footprint and height, with no part of this overlaying the principal elevation in accordance with this principle.
- **Where an extension is built beside a principal elevation it should generally be lower than, and set back behind, that façade** – as the works at ground floor level to form the new car port would extend no further out beyond the southern elevation than the further out of the two existing single garages does, while all works at first floor level (including the proposed terrace) would be retained behind the rear elevation of the property, no issues arise in this regard.
- **An extension that would unbalance a symmetrical elevation and threaten the original design concept should be avoided** – as can be seen from the existing site plan submitted with the application, the rear elevation on which the proposed extension would be located is not currently symmetrical, and the proposed extension would in fact be in keeping with the existing asymmetrical pattern of development here.
- **An extension should be modestly scaled and skillfully sited** – again, the proposed extension is significantly smaller than the existing property in both height and footprint, presenting a modest addition to the house that has been sited to also retain and reuse the currently unused wash house, making a positive contribution to the historic environment in this regard.
- **Fire escape routes may be internal wherever space can be created without damaging important interior work. Where an external escape stair is necessary, it should be located as reversibly and inconspicuously as possible, and not on principal elevations** – this is not relevant to this application.

On the basis that the proposed extension complies with all of the above principles, it should be supported in accordance with the guidance.

Appendix Four – List of documents

Application Documents

- 1 Application Form
- 2 Location Plan
- 3 Design Statement
- 4 Supplementary Planning Statement
- 5 Existing North and South elevations
- 6 Existing East and West elevations
- 7 Existing roof plan
- 8 Existing first floor plan
- 9 Existing ground floor plan
- 10 Existing Sections
- 11 Existing sections CC and DD
- 12 Proposed site plan
- 13 Proposed ground floor plan
- 14 Proposed first floor plan
- 15 Proposed second floor plan
- 16 Proposed East and West elevations
- 17 Proposed North and South elevations
- 18 Proposed roof plan
- 19 Proposed sections AA and BB
- 20 Proposed sections CC and DD
- 21 Window details
- 22 Balustrade details
- 23 Final site layout/ground floor plan
- 24 (a) Updated visualisations sheet 1
(b) Updated visualisations sheet 2

Consultee Responses

- 25 ACC roads development

Delegated Report and Decision Notice

- 26 Report of Handling
- 27 Decision Notice

Policy Documents

- 28 Aberdeen Local Development Plan
- 29 Supplementary Guidance: Householder Development Guide
- 30 Supplementary Guidance: The Repair and Replacement of Windows and Doors
- 31 Supplementary Guidance: Transport and Accessibility
- 32 Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan
- 33 Scottish Planning Policy
- 34 Historic Environment Policy for Scotland
- 35 Historic Environment Scotland's Managing Change series of guidance notes – Extensions (2010)

Other documents

- 36 Certificate of lawful development (191795/CLE)
- 37 Proposed Ground Floor Plan with Garage and Carport Dimensions and Notes

LOCAL REVIEW BODY

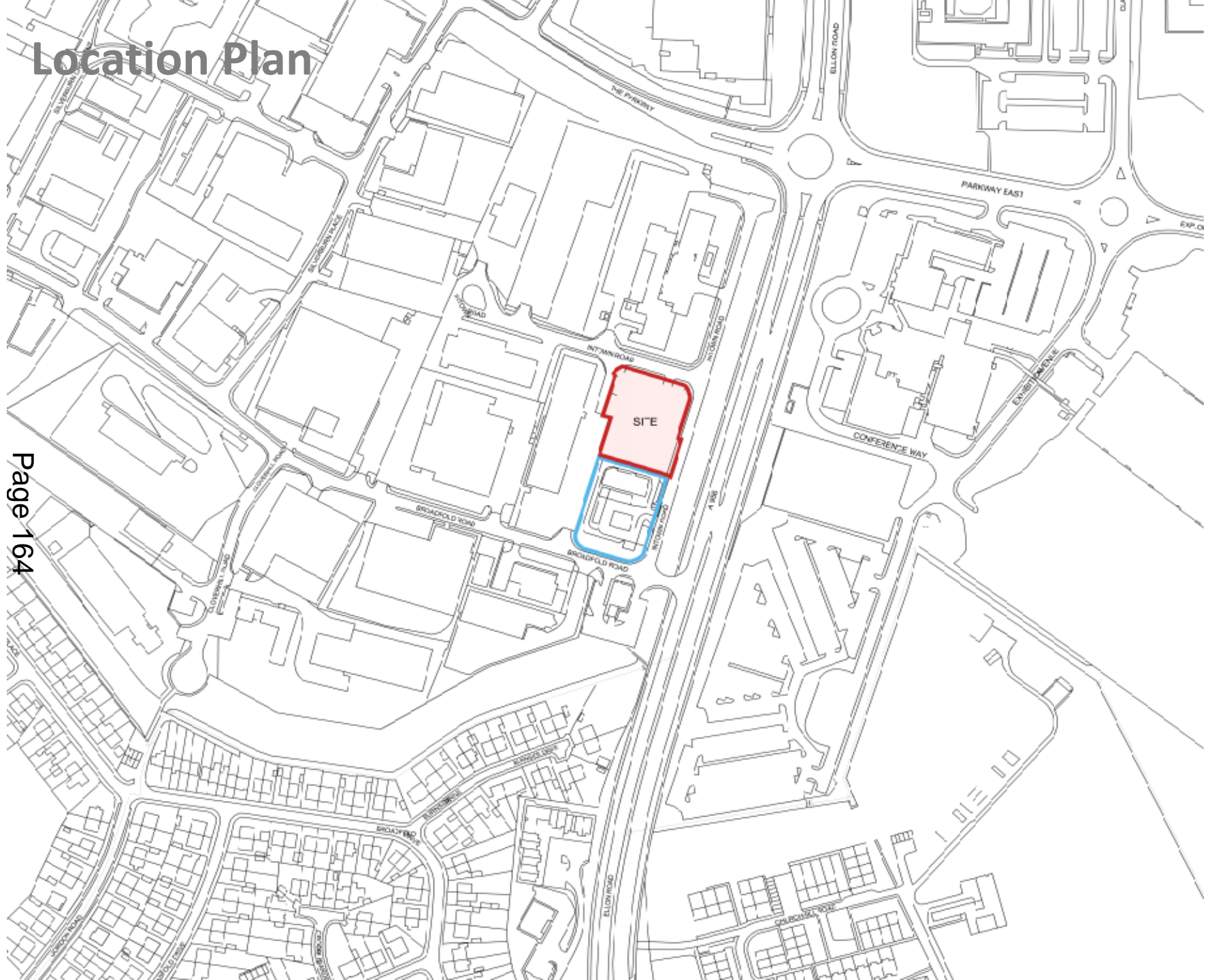


191277/DPP– Review against refusal of planning permission for:

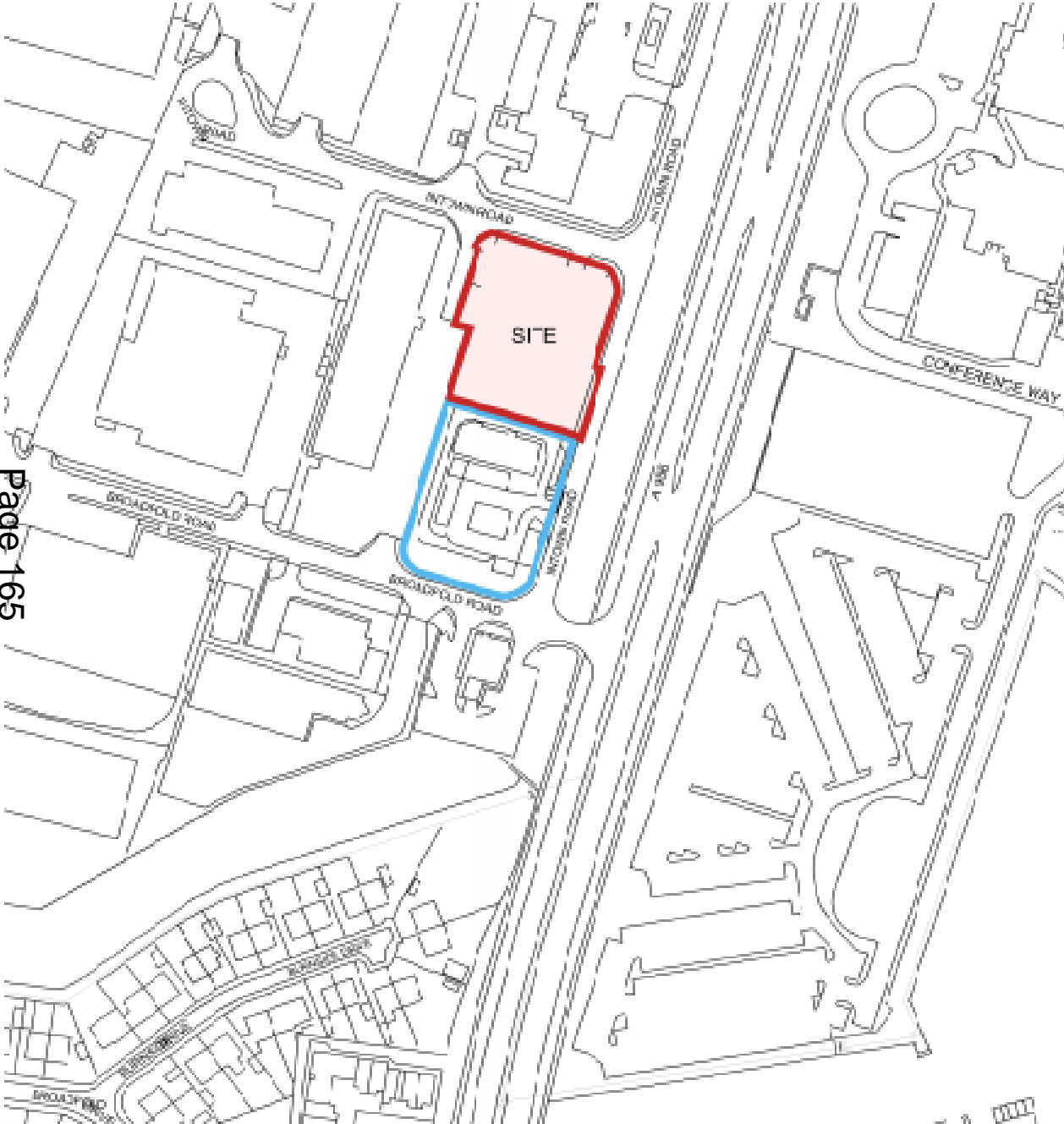
Erection of coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping works

Site 2, Intown Road, Broadfold Road, Aberdeen

Location Plan



Location Plan



Location Plan

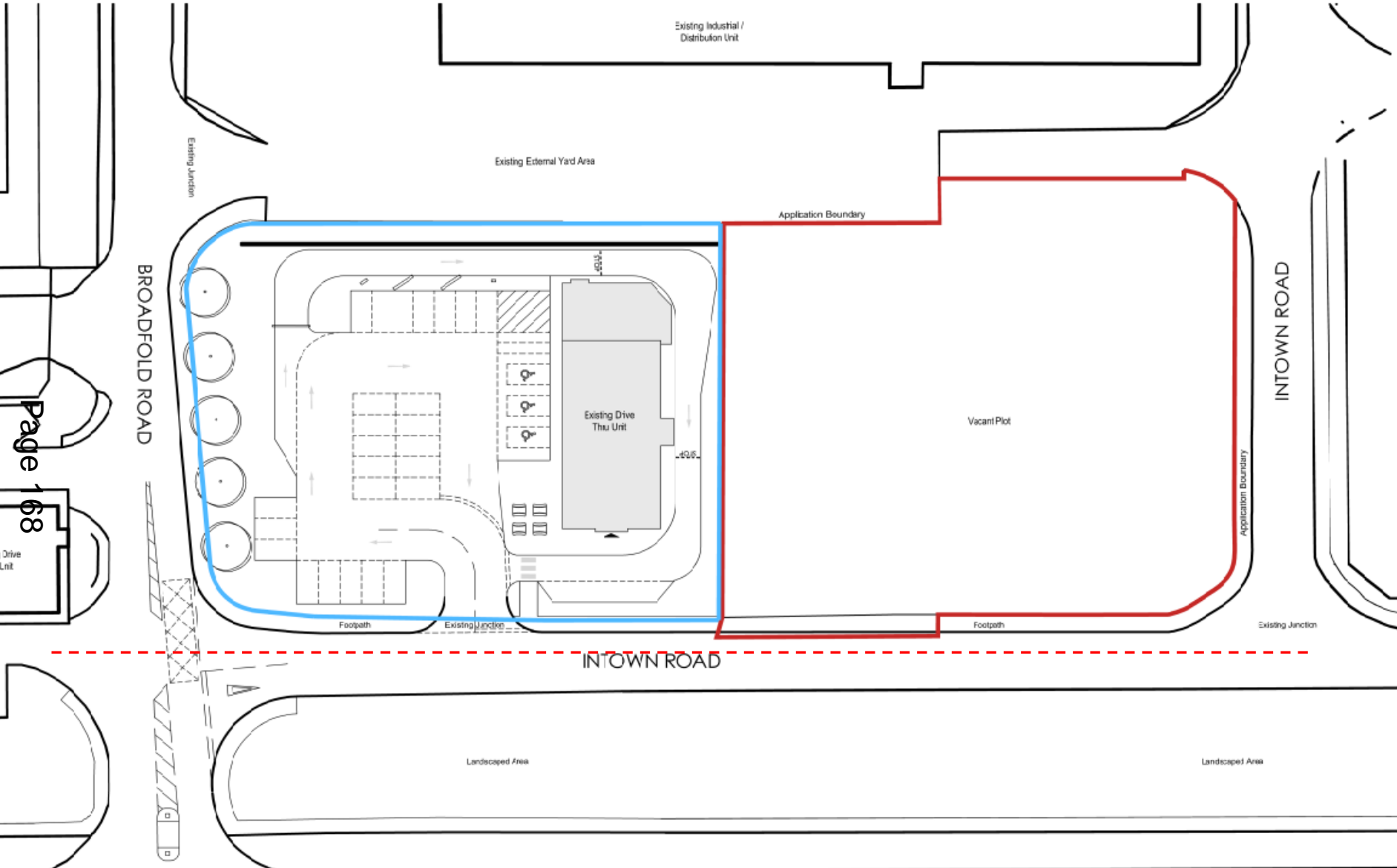


Street View image (July 2018)

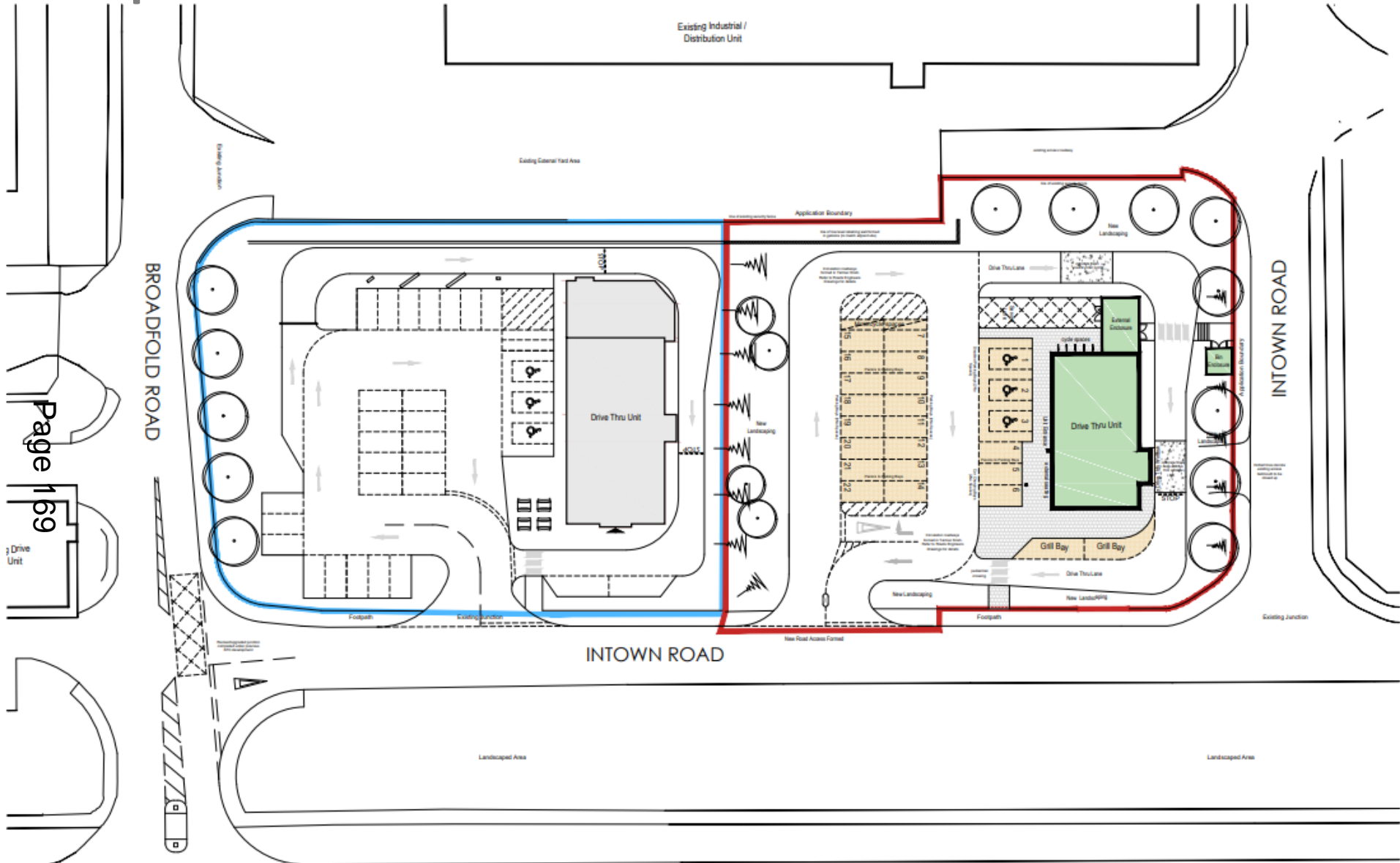


Page 167

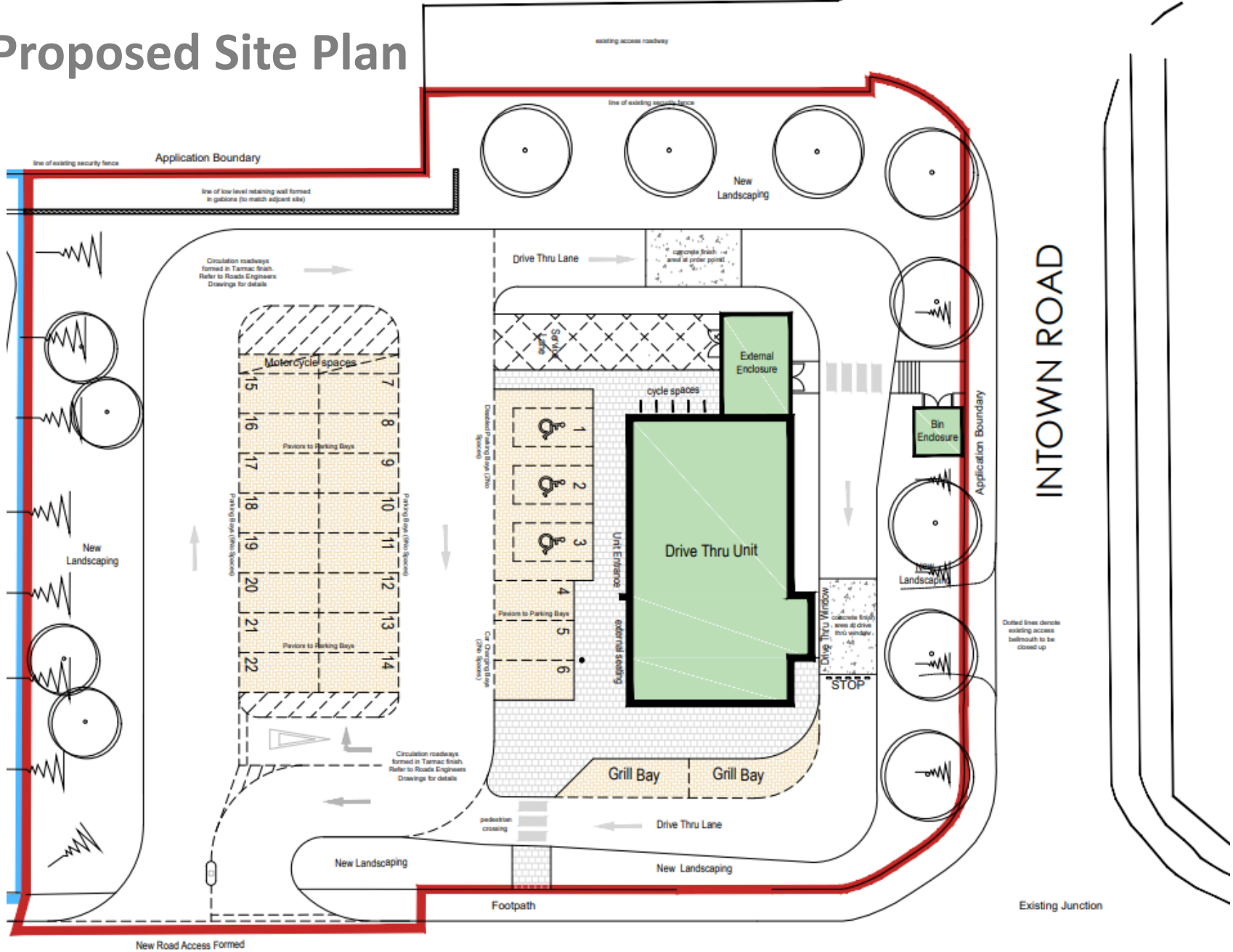
Existing Site Plan



Proposed Site Plan



Proposed Site Plan



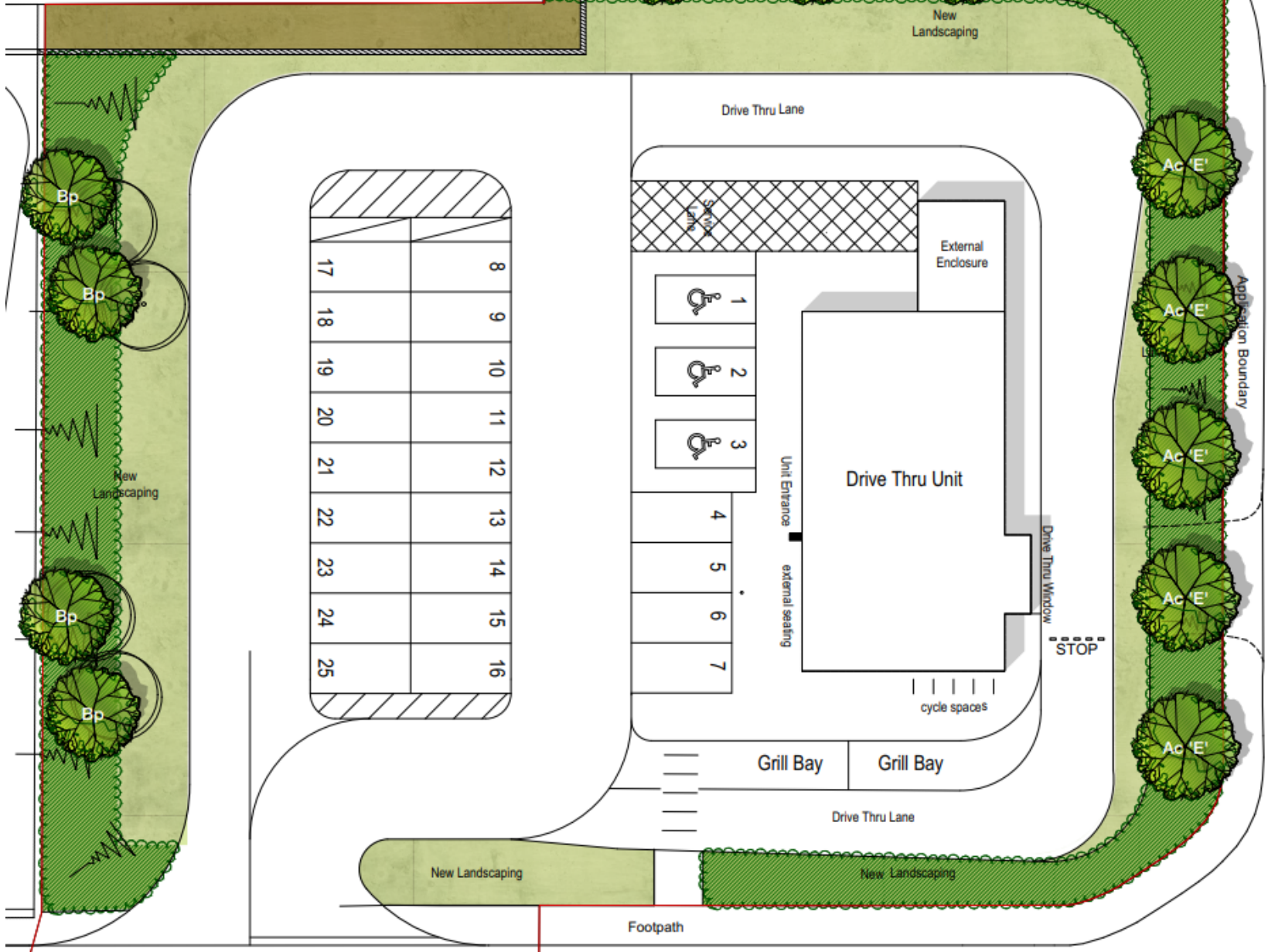
INTOWN ROAD

Dotted lines denote existing access thoroughfare to be closed up

Existing Junction

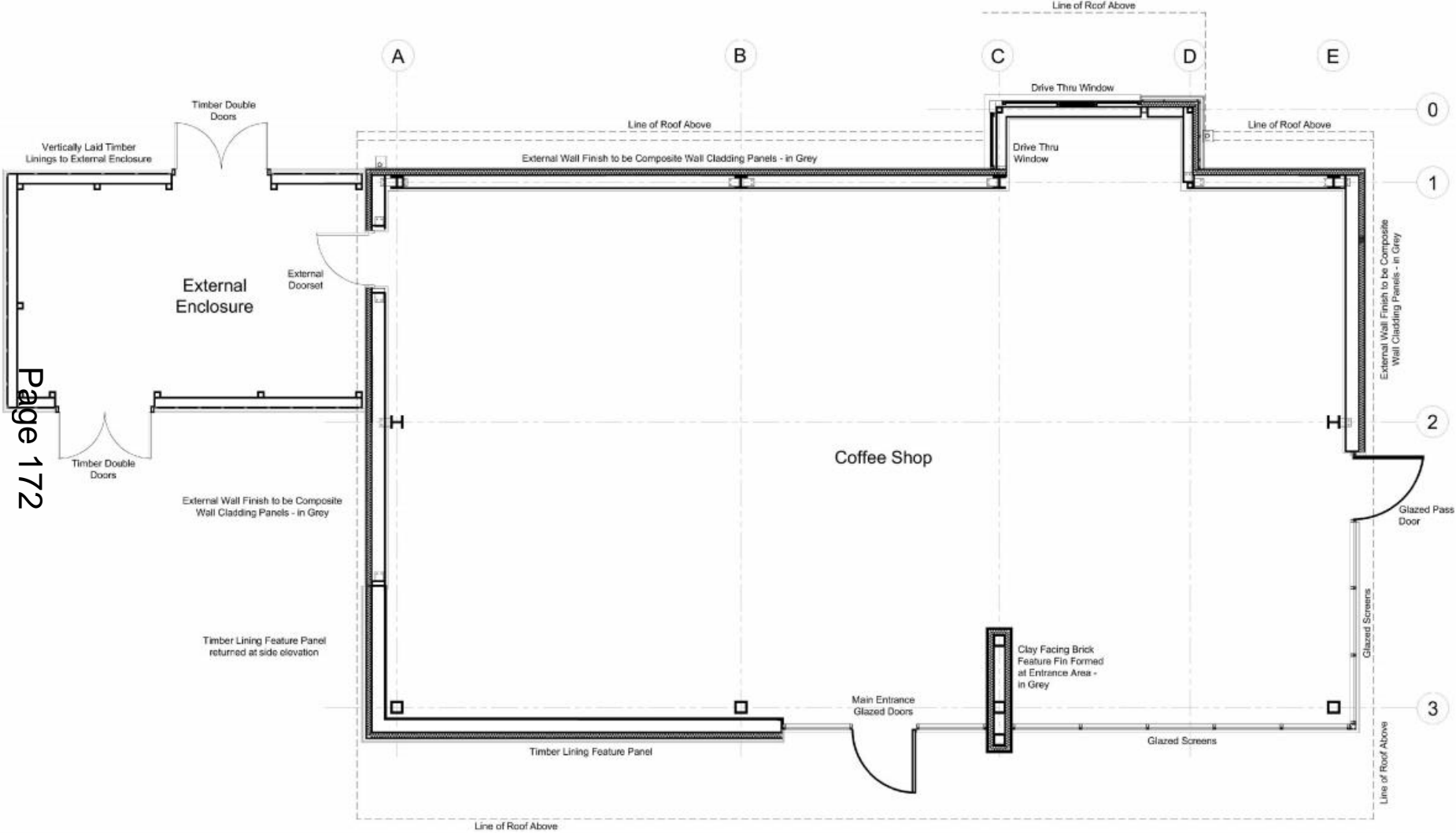
Proposed Landscaping

Application Boundary



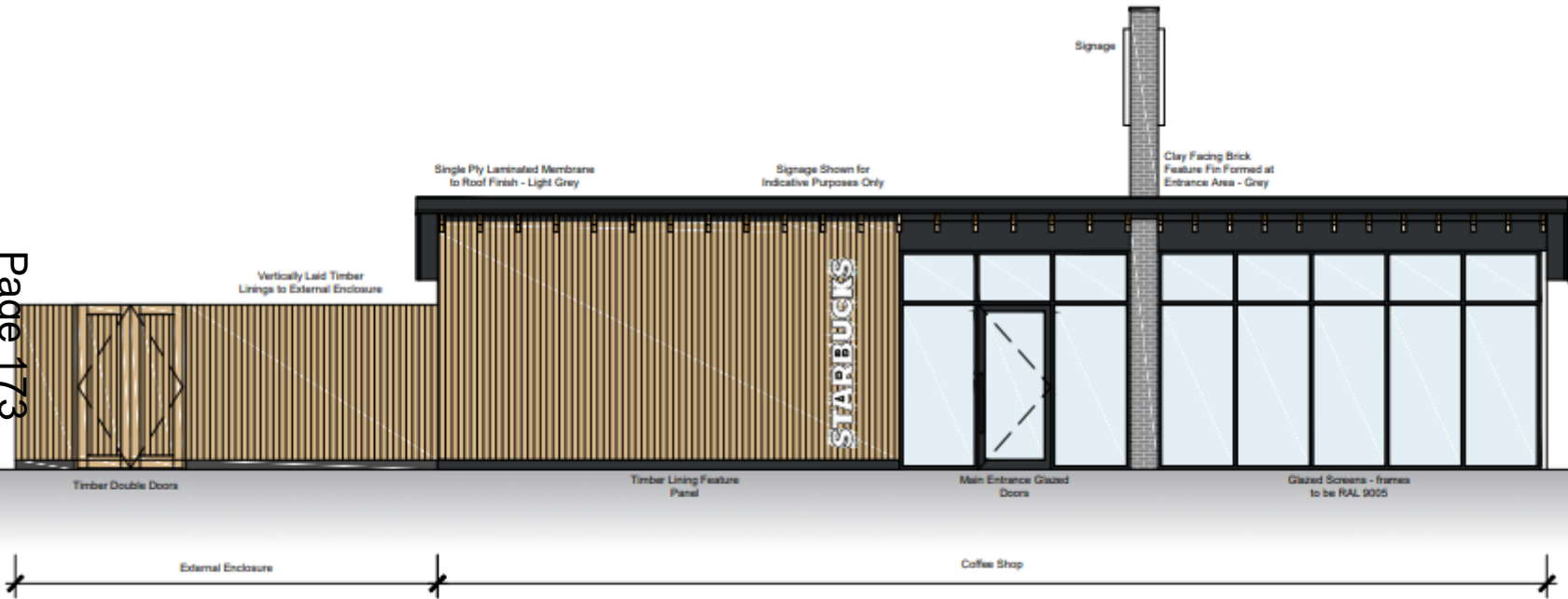
Proposed Ground Floor

Page 172



Proposed South elevation (front – to car park)

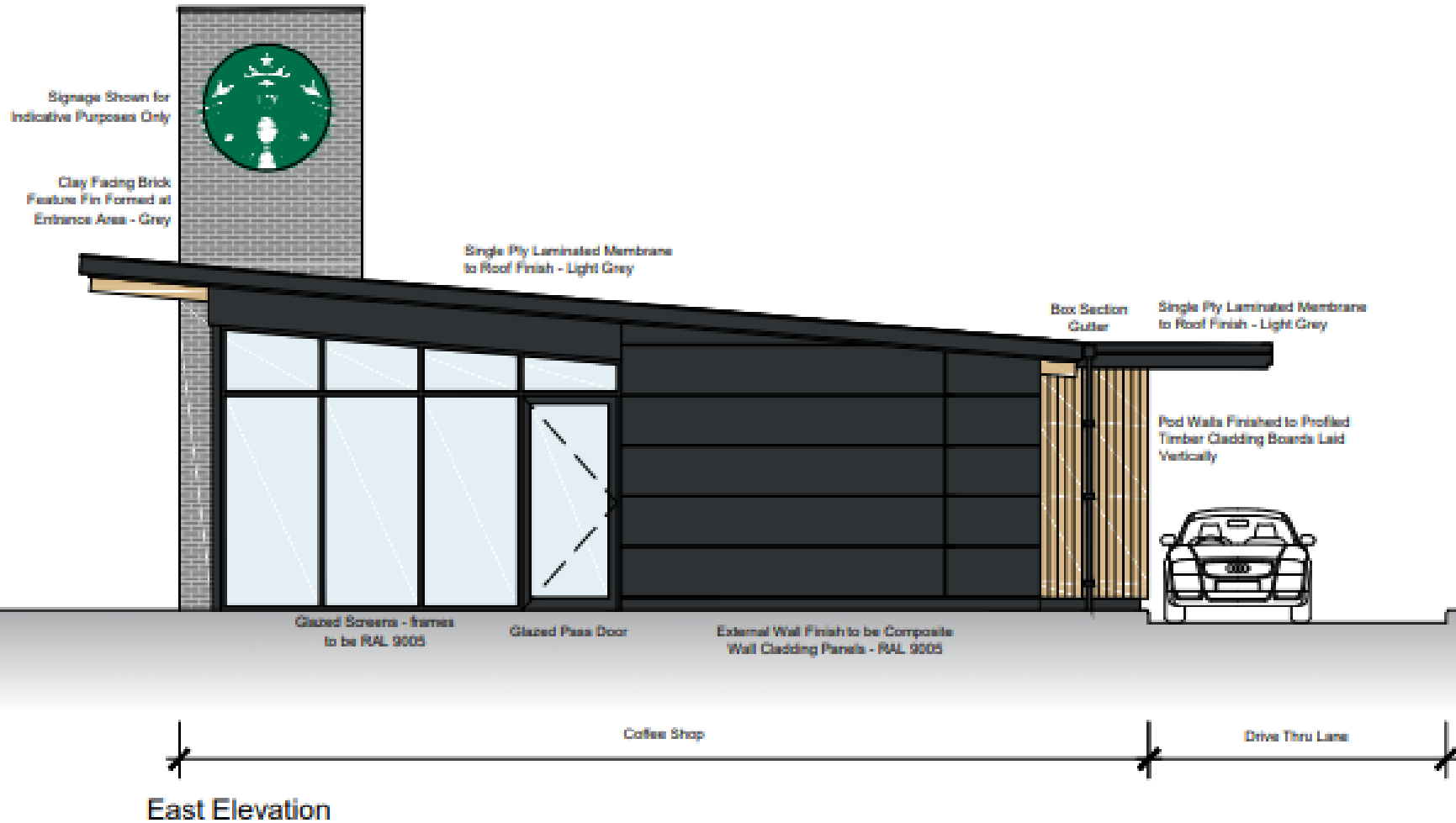
Page 173



South Elevation

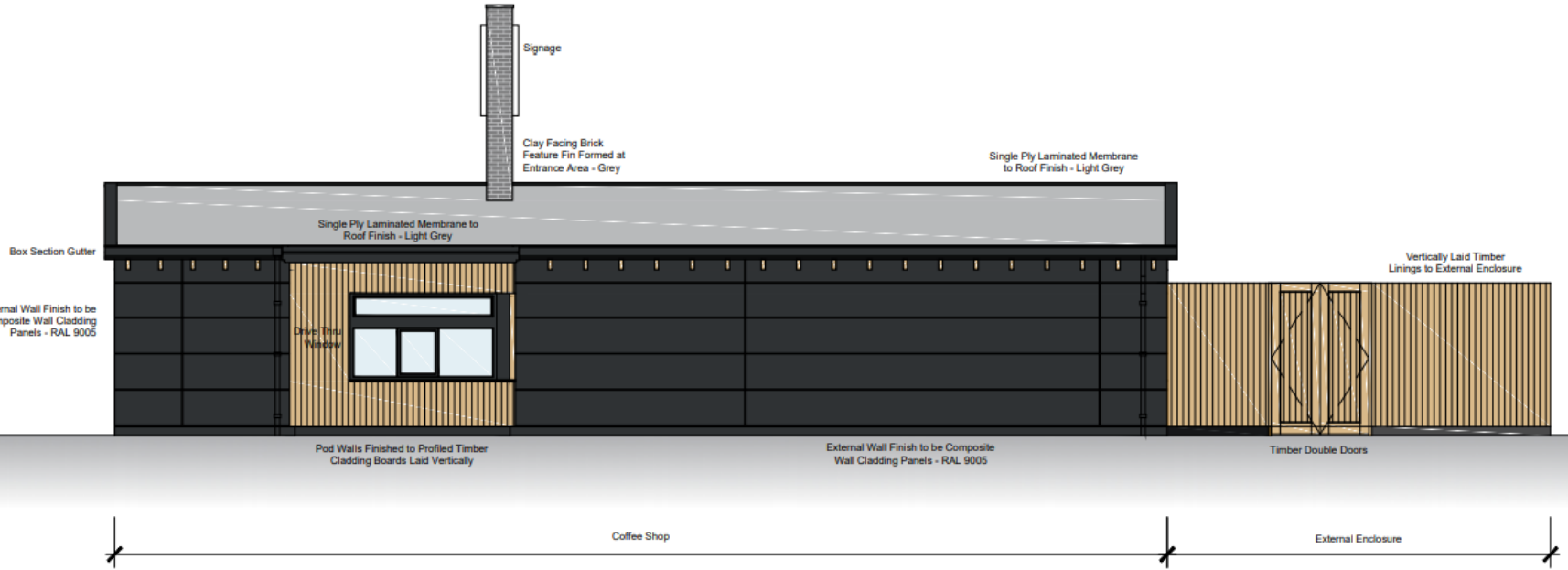
Proposed East elevation (side facing Intown Rd)

Page 174



Proposed North elevation (rear – with drive through window)

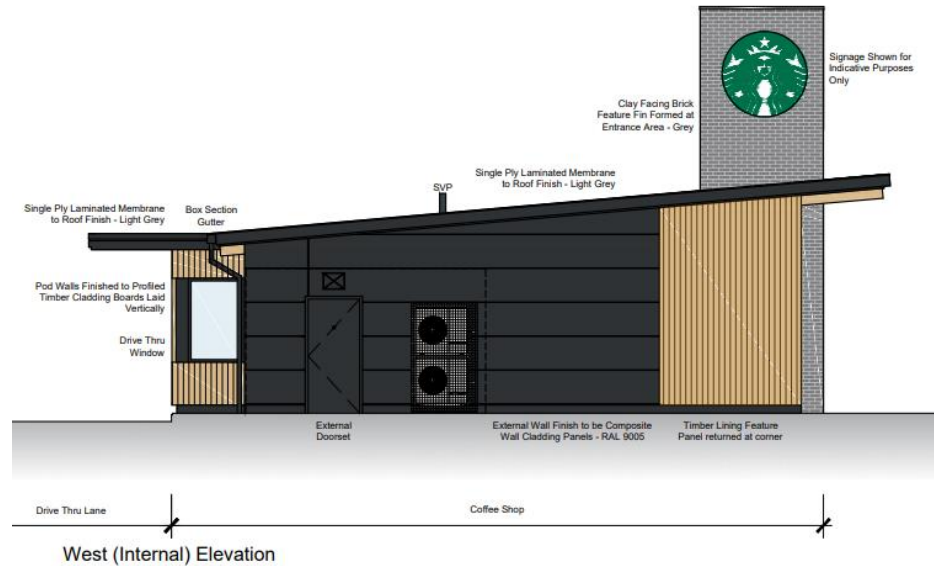
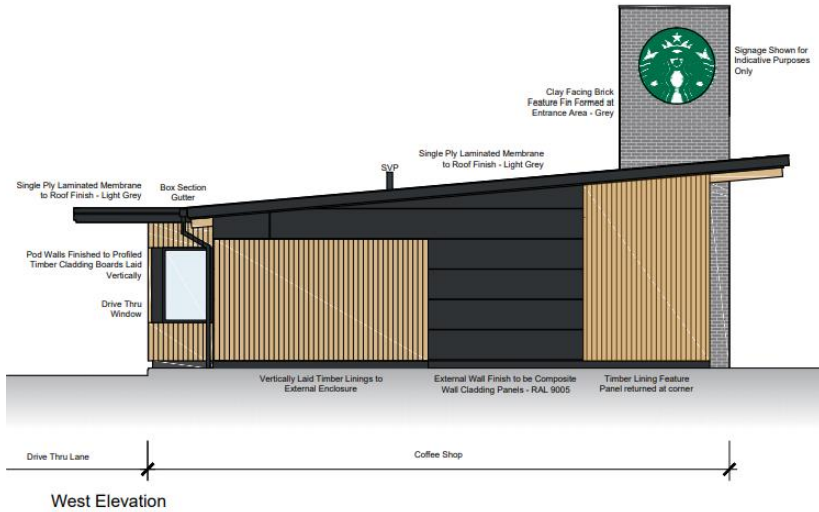
Page 175



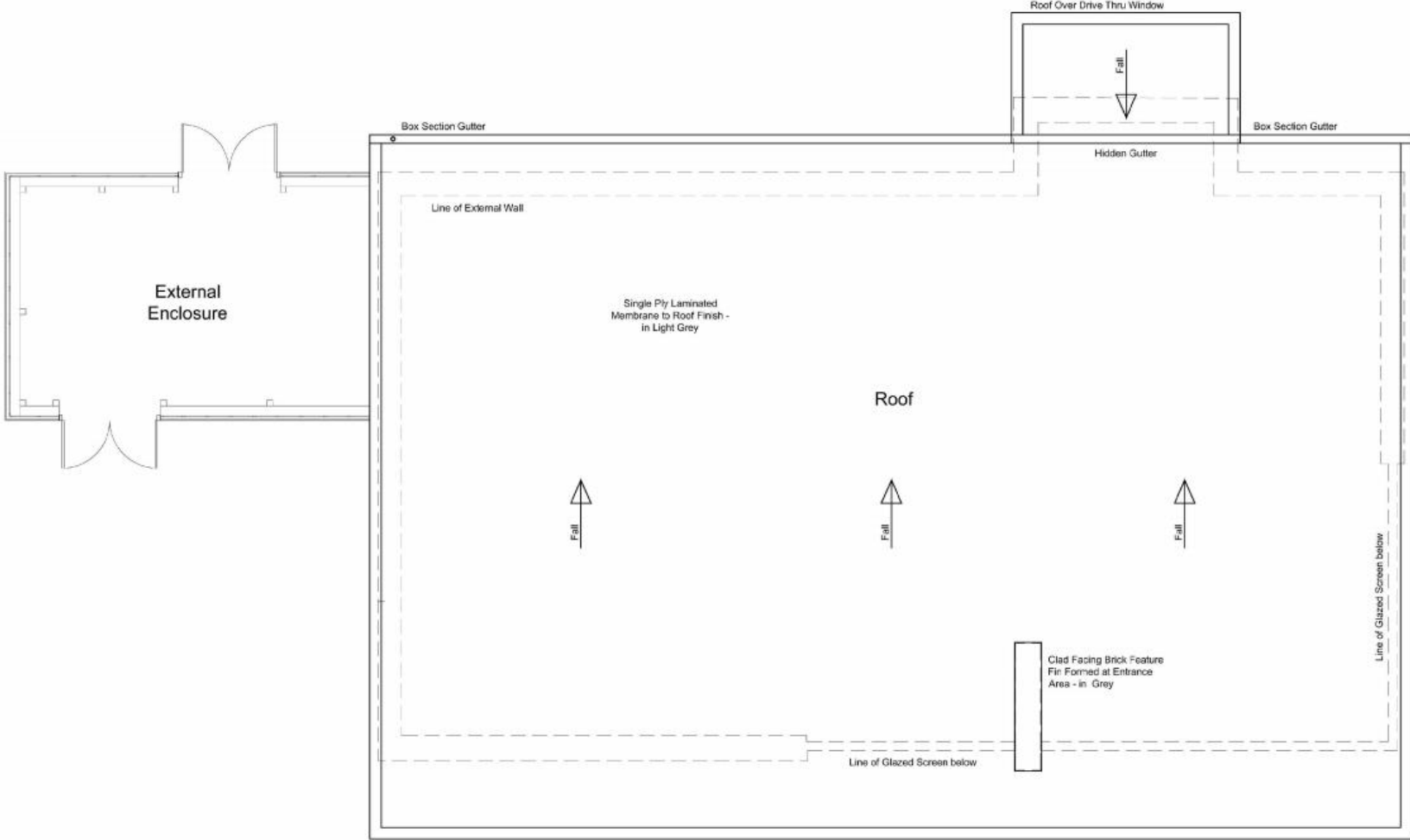
North Elevation

Proposed West elevation (side- with/without external enclosure)

Page 176

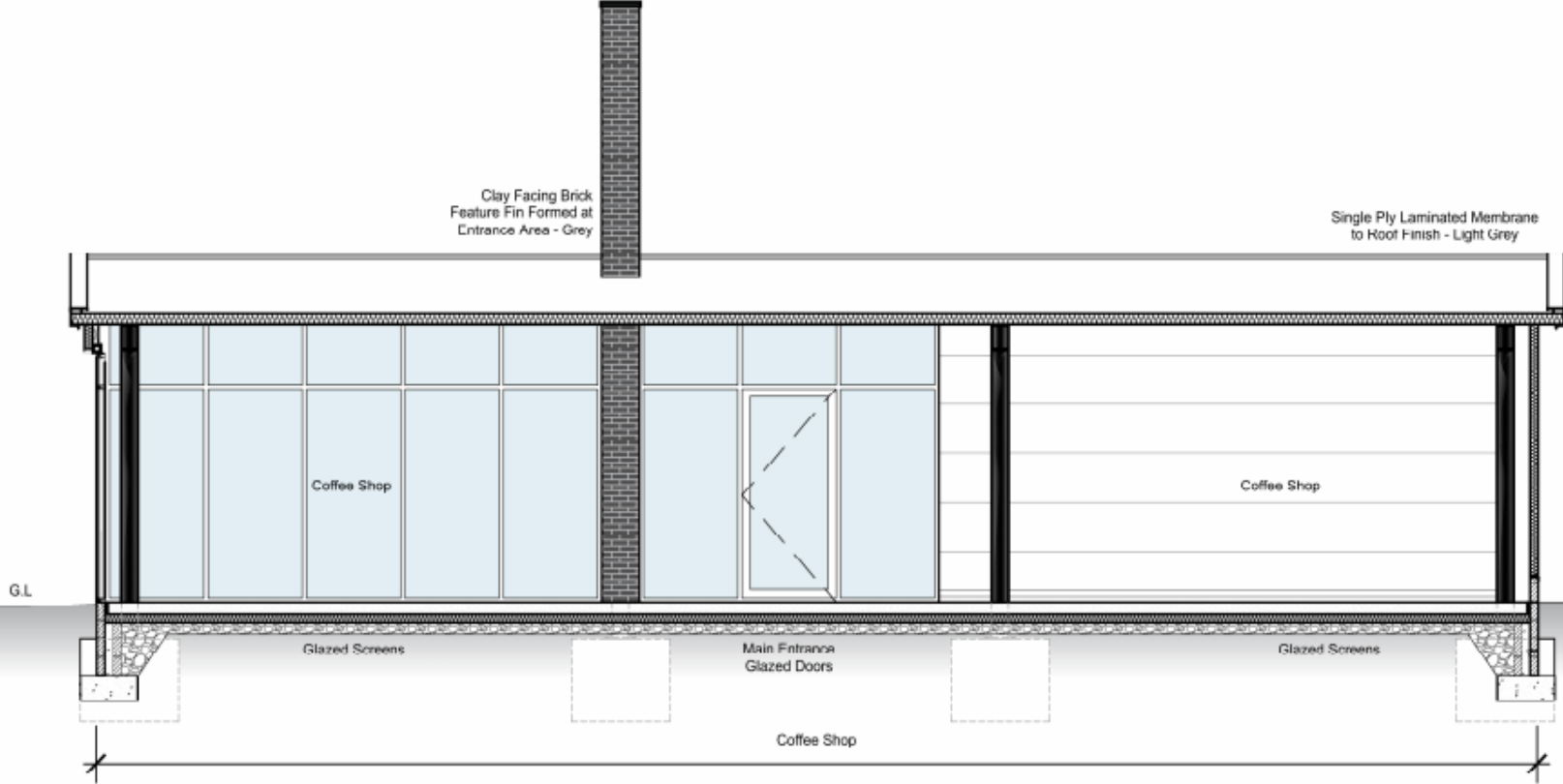


Proposed Roof Plan



Proposed Section

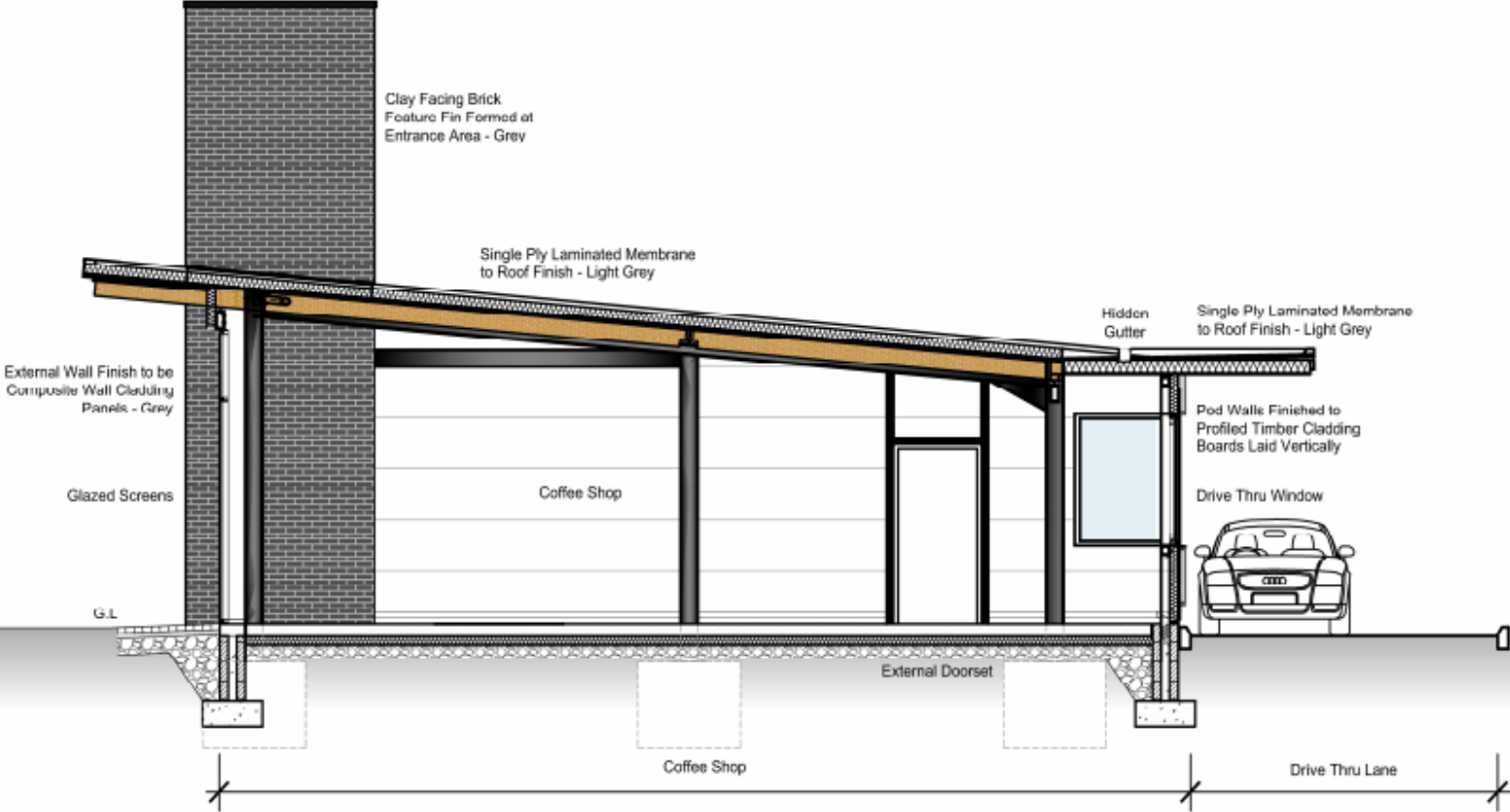
Page 178



Longitudinal Section

Proposed Section

Page 179



Cross Section

Reasons for Decision

- In full as part of the agenda pack. Main points are:
 - Conflict with policy B1 on the basis that it would not be ancillary to business/industrial use and would serve a wider catchment including passing vehicle traffic on Ellon Road (A956)
 - No evidence provided to demonstrate compliance with NC4 and NC5, relating to the location of significant footfall generating developments
 - Recognises that the site is accessible by sustainable means, per T3, and satisfies policies D1, R6 & NE6 on technical matters.
 - Notes that problems with traffic flow problems around the Ellon Road/Broadfold Road and Broadfold Road/Intown Road junctions persist, in spite of junction upgrades and introduction of waiting restrictions and before the consented drive through next door has begun operating – conflict with T2

Policy B1 (Business and Industrial Land)

Policy B1 - Business and Industrial Land

Aberdeen City Council will in principle support the development of the business and industrial land allocations set out in this Plan.

Land zoned for business and industrial uses on the Proposals Map, including already developed land, shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types. Other uses which may be suited to a business and industrial location, such as car showrooms and bus depots, shall be treated on their own merits. The expansion of existing concerns and uses within these locations will be permitted in principle.

Where business and industrial areas are located beside residential areas we will restrict new planning permissions to Class 4 (Business). Buffer zones, which are appropriately sized and landscaped, may be required to separate these uses and safeguard residential amenity. Low amenity 'bad neighbour' uses must have regard to surrounding uses and their potential impact on the environment and existing amenity. In all cases, conditions may be imposed restricting levels of noise, hours of operation and external storage.

New business and industrial land proposals shall make provision for areas of recreational and amenity open space, areas of strategic landscaping, areas of wildlife value and footpaths, in accordance with the Council's Open Space Strategy, Supplementary Guidance and any approved planning briefs or masterplans. Within existing business and industrial areas, there shall be a presumption in favour of retaining existing open space.

Facilities that directly 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.

- To be retained for uses in classes 4, 5 and 6 (business; general industrial; and storage and distribution)
- Facilities that directly 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 – would the proposed use serve a much wider catchment?

Policy NC4 (Sequential Approach) & NC5 (Out of Centre Proposals)

- NC4 sets out a sequential approach to the location of *'significant footfall generating development appropriate to town centres'*
- General requirement is to locate such uses within existing centres identified in the plan, appropriate to the scale and catchment of the development
- Siting uses on the edge of an existing centre will only be permitted where no suitable site is available within the centre

Policy NC4 (Sequential Approach) & NC5 (Out of Centre Proposals)

- NC5 addresses proposals that involve locating significant footfall generating uses appropriate to designated centres in out-of-centre locations
- States that such proposals will be refused unless all of the following criteria are satisfied:
 1. no other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time.
 2. there will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance.
 3. there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.
 4. the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.
 5. the proposed development would have no significantly adverse effect on travel patterns and air pollution.

Policy D1 (Quality Placemaking by Design)

Policy D1 - Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

- Does the proposal represent a high standard of design and have strong and distinctive sense of place?

Policy T2 (Managing the Transport Impact of Development)

Policy T2 - Managing the Transport Impact of Development

Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance.

The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation.

Further information is contained in the relevant Supplementary Guidance which should be read in conjunction with this policy.

Points for Consideration:

Zoning: Do members consider that the proposed use is permitted by the terms of policy B1 – i.e. would this development *‘enhance the attraction and sustainability of the city’s business and industrial land’* and would it cater principally for the needs of the businesses and employees within the business and industrial area (or serve a larger catchment area)?

Retail Impact: Do members consider that the proposal represents a *“significant footfall generating development appropriate to town centres”*? If so, policies NC4 and NC5 apply –has the necessary supporting evidence been provided to demonstrate that the proposal meets the criteria specified in NC4 and NC5, relating to the location of significant footfall generating development?


Roads impact: Does the proposal satisfy the terms of policy T2, which include a requirement that development minimise traffic generated and maximise opportunity for sustainable and active travel?

Design: Is the proposal of sufficient design quality (D1) - *note authorised officer report satisfied on this point.*

- 1. Does the proposal comply with the Development Plan when considered as a whole?**
- 2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

 <p style="font-size: small;">jane f ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	Site 2, Intown Road, Broadfold Road, Aberdeen AB23 8EE
Application Description:	Erection of coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping works
Application Ref:	191277/DPP
Application Type:	Detailed Planning Permission
Application Date:	16 August 2019
Applicant:	Kemble Estates Ltd.
Ward:	Bridge Of Don
Community Council:	Bridge Of Don
Case Officer:	Jane Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site, which is bound to the north and east by Intown Road, forms part of the Bridge of Don Industrial Estate. It extends to 0.28ha, and previously formed part of a wider site which was occupied by a car sales garage and car repair/servicing workshop, prior to the entire site being cleared and subdivided, with the 0.25ha site created to the south redeveloped as a hot-food restaurant and drive-thru (KFC).

To the west of the site, and at a slightly higher level beyond a retaining wall, is a large industrial building and associated access/yard, whilst to the north, across Intown Road, is a BOC Gas depot. To the east of the site, and beyond Intown Road lies an area of landscaping which runs parallel to the A956 Ellon Road dual carriageway.

Relevant Planning History

P120633: Redevelopment of the site, including demolition of car showroom and workshop, with an industrial/commercial unit with car park and yard. Approved conditionally in June 2015.

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

Planning History of the Adjacent Site

P160623: Erection of fast food restaurant with associated 'drive-thru', infrastructure works and

landscaping. Application refused under delegated powers on 21 December 2016. The decision was referred to the Local Review Body on 8 February 2017, where the proposal was again refused.

170789/DPP: Erection of fast food restaurant with associated 'drive-thru', infrastructure works and landscaping. Approved conditionally under delegated powers on 14 November 2017.

APPLICATION DESCRIPTION

Description of Proposal

The erection of a coffee shop and 'drive-thru' facility, with associated car parking and landscaping. This would comprise a single storey (190m²) building with mono-pitched roof located within the northern section of the site; a vehicle access for the drive-thru facility running anti-clockwise from the access off Intown Road along the outer limits of the developed area of the plot; the 'drive-thru' collection point located along the northern elevation of the building; 22 proposed parking spaces (including 3 disabled spaces and 2 charging bays), and 2 motorcycle spaces which would be located centrally and to the south of the coffee shop/drive-thru building, with 5 cycle stands located adjacent to its western elevation.

The proposed external finishes of the building would incorporate a combination of full height glazing and vertical timber panel cladding to the front (south) elevation, which faces south across the car park and incorporates the main customer entrance to the building. The east elevation facing across Intown Road would incorporate both full height glazing and black composite panel cladding; whilst the remaining elevations would include a combination of vertical timber and black composite panel cladding. All glazing would include black aluminium frames. The roof would be finished in a light grey laminated membrane which would be screened by means of aluminium upstands. Finally, a 2.2m long x 0.45m wide grey coloured clay faced brick feature 'fin' would be incorporated within the front elevation of the building, and sitting at right angles to the glazed frontage, would extend above the mono-pitched roof to an overall height of 7.3 metres.

The proposed landscaping includes a combination of tree and shrub planting with amenity grass along all four boundaries of the site.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PWC4THBZIP700>

The following documents have been submitted in support of the application:

- Planning Statement by Halliday Fraser Munro, dated August 2019
- Drainage Impact Assessment (Revision 1) by Cameron & Ross, dated September 2019
- Transport Statement by ECS Transport Planning Ltd, dated August 2019
- Transport Addendum Note by ECS Transport Planning Ltd, submitted November 2019
- Updated Travel & Servicing Management Plan by Halliday Fraser Munro, submitted January 2020
- Marketing Material by Mark Halliday & Co, submitted August 2019

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The Roads DM team requested additional analysis on the impact of the proposed development on the operation of the Broadfold Road/Intown Road junction and was satisfied with the information submitted. The team raised

concerns regarding the suitability of the servicing/access arrangements for the site. These concerns were addressed with the submission and agreement of Roads DM to a revised servicing strategy, including for deliveries and waste collection, and an amended access/internal road layout. The submission of a travel plan and detail on staff cycle parking provision could be addressed via condition.

ACC - Environmental Health – No comment received.

Health and Safety Executive (Hazardous Substances Consent) – No objection. Do not advise against the proposed development.

Bridge of Don Community Council – The Bridge of Don Community Council object to the proposal, and raise the following points:

- (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) Concerns over safety due to the build up of traffic at the junctions of Ellon Road/Broadfold Road and Intown Road/Broadfold Road.
- (4) As part of a previous application for a fast food outlet on Intown Road (KFC) works were carried out at the junctions to stop the issue of traffic building up and blocking access to Broadfold Road, Intown Road and Ellon Road. Unfortunately, at peak times traffic continues to cause problems with vehicles accessing the existing fast food premises.
- (5) Witnessed vehicles blocking the junctions and causing traffic to build up.
- (6) The Intown Road outlet (KFC) although complete has still to open, yet there are still traffic flow problems that have not been properly addressed. Once the KFC premises are operational this will only increase the volume of traffic and add to the problems at peak times.
- (7) Concerns with the claim that there is spare capacity at the junction to accommodate future demand. This does not match favourably with observations of the junction made in the recent past. Problems at the junction during peak times have been seen first-hand with traffic backing onto Broadfold Road and blocking free movement for vehicles and parking on double yellow lines on Broadfold Road/Intown Road causing further issues.
- (8) Difficult to reconcile how increased traffic flow from the KFC and Coffee shop can be characterised by the comment made by the ACC Roads team: "Results contained within Table 2 demonstrate that the junction will continue to operate well within capacity with minimal queue once the new coffee shop drive thru is in place. A maximum Reference/Flow Capacity (RFC) of 26% is expected to occur on the McDonalds Exit arm of the junction with a corresponding queue of 0.3 vehicles during the Saturday afternoon peak. The results highlighted that there is significant spare capacity at the junction to accommodate future demand".
- (9) Intown Road is a dead end and all traffic will have to access/egress the site at the one junction onto Broadfold Road. Due to parked vehicles along its length it is in effect reduced to a single lane. It is difficult to see how this can be deemed safe.
- (10) In the document submitted by the Pegasus Group Servicing, Travel & Car Park Management Plan it is stated that "The development site is accessibly located within walking distance of several residential areas and an industrial estate; therefore, it is considered that a number of customers will travel to the site on foot or via other methods of sustainable transport. This therefore implies that the number of customers using vehicles to collect orders is expected to be low". Given that these businesses are "Drive Thrus" it is difficult to accept that vehicular traffic will be low.

- (11) Within weeks of the neighbouring McDonalds site becoming operational there were problems at the junction which would appear to relate to a miscalculation or underestimation of traffic flow. It is not unreasonable to conclude, in particular given first-hand assessment of the junction, that the conclusions of the ACC Roads team highlighted above are questionable and similar issues should be avoided.
- (12) Irrespective of the survey findings there are still concerns relating to safety at the junction particularly at peak times.
- (13) The traffic survey indicates that figures have been based on 2020 estimations. The Community Council is aware of applications for proposed large scale housing developments near to the location and additionally, further development applications within Aberdeenshire. If these developments are approved traffic flow will invariably increase considerably. It appears the surveys do not/cannot take this into account.

REPRESENTATIONS

As a statutory consultee, the Bridge of Don Community Council objected to the proposal, as outlined above. No further representation was received.

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

National Planning Policy and Guidance

Scottish Planning Policy

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP 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.

Aberdeen Local Development Plan (2017)

Policy B1 (Business and Industrial Land)
Policy B6 (Pipelines, Major Hazards and Explosive Storage Sites)
Policy D1 (Quality Placemaking by Design)
Policy T2 (Managing the Transport Impact of Development)
Policy T3 (Sustainable and Active Travel)
Policy NC4 (Sequential Approach and Impact)
Policy NC5 (Out of Centre Proposals)
Policy R6 (Waste Management Requirements for New Development)
Policy NE6 (Flooding, Drainage & Water Quality)

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. 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 public consultation through the Main Issues Report; and,
- the level of objection raised in relation to these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis.

Supplementary Guidance and Technical Advice Notes

Transport and Accessibility

EVALUATION

Principle of Development

The application site is zoned under Policy B1 (Business and Industrial Land) of the Aberdeen City Local Development Plan. Policy B1 states that "*Land zoned for business and industrial uses shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types.*" The policy does however outline that "*facilities that directly 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.*"

The proposed use as a coffee shop and associated drive-thru clearly does not fall within any of the above classes, and as such it must be evaluated against the latter of the above principles. Whilst accepting that people working within the Bridge of Don Industrial Estate may use the facility, taking into account the drive-thru aspect of the proposal and the location of the site, where it is directly accessed and particularly visible from the A956 Ellon Road dual carriageway, then it is also quite apparent that the nature of development which is being proposed in this instance is such that it will attract a customer base from a far wider area than that of the business and industrial park within which it lies.

It is accepted that supporting facilities within business parks can attract a degree of trade from outwith these areas. However, in this instance the strategic and elevated position of the proposed coffee shop and drive-thru and its resulting visual prominence to motorists from the Ellon Road dual carriageway, when combined with the predominant vehicular focus of the proposal (indirect access

from the dual carriageway; drive-thru facility; and the maximum standard of car-parking provision being sought for the site); is such that the proposed development would likely result in a use primarily serving and attracting passing trade, and in particular, the vehicular users of the main arterial route. This is all the more likely when considered against the background of the immediately surrounding area, with an existing McDonalds drive-thru and a newly constructed KFC drive-thru located within less than 100 metres of the application site and thereby already serving the needs of businesses and employees of the adjacent sites within the Bridge of Don Industrial Estate.

The focus of the customer base of the proposed development extending beyond the industrial park is clearly evidenced by the intended 24 hour operation of the facility, and also very much reinforced by the planning statement submitted in support of the proposal, which refers to *“the potential ‘catchment’ encompassing a large area of the city”* on the basis that *“the site is located within the Bridge of Don, one of the largest suburbs in Europe, with a population of almost 23,000”*. The statement identifies the potential for further increasing the customer base for the coffee shop and drive-thru as a result of the several thousand new homes and the business land which has been allocated for development in the Bridge of Don. Taking all of the above into account, it is considered that the proposed development clearly fails to address the necessary criteria which would allow for an exception to the primary policy and as such the proposal fails to comply with Policy B1 (Business and Industrial Land) of the Aberdeen City Local Development Plan, and would constitute a departure from development plan policy.

An assessment under all remaining relevant policy is set out below.

In terms of assessment against the Strategic Development Plan, due to the scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Sequential Approach to Site Selection

The Aberdeen City Local Development Plan and Scottish Planning Policy both recognise and prioritise the importance of identified town centres by requiring that all significant footfall generating uses are located in accordance with a sequential ‘town centre first’ approach, and this position is acknowledged within the planning statement submitted in support of the application. The statement highlights that *“SPP sets out a town centres first approach promoting town centres as the primary location for new uses which ‘attract a significant number of people’.”* The same statement further outlines that *“town centre locations are not always possible, and in the case of the proposed development, which is commonly found in out of town locations, this is an appropriate location for such a use.”*

Taking into account the potential catchment of the proposed development, as identified in the Planning Statement submitted in support of the application and referred to above, it would appear that the applicant has acknowledged the proposed development as relating to a significant footfall generating use. Given the nature of development being sought, it would not be unreasonable to suggest that a coffee shop with drive-thru typically sells relatively low value goods at high volumes in order to generate sufficient turnover to be financially viable. Furthermore, experience of the operating patterns of other drive-thru facilities in the city, and quite crucially that of the neighbouring McDonalds drive-thru, would also suggest that this type of use can become very busy at peak times, with vehicle queuing arrangements exceeding capacity at some locations, including at the aforementioned McDonalds. This particular issue regarding existing traffic pressure on the local road network has been raised as a specific concern by the Bridge of Don Community Council and experienced at first-hand by the case officer during the course of two site visits.

Taking the above into account it is deemed reasonable that the proposed development is considered as a significant footfall generator and therefore assessed against relevant policy, namely Policy NC4

(Sequential Approach and Impact) and Policy NC5 (Out of Centre Proposals). Both policies advise that they apply to new development that would create a significant footfall, and if the proposed development is considered in conjunction with the previously consented neighbouring fast-food drive-thrus (KFC and McDonalds), where the KFC is yet to commence operating, then the combined footfall and resulting effect on trade is likely to be significant and potentially have a lasting impact on the viability and vitality of the existing city centre or other more local centres.

Policy NC4 (Sequential Approach and Impact) states that all significant footfall generating development appropriate to town centres (unless on sites allocated for that use in the plan) should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance:

- Tier 1: Regional Centre
- Tier 2: Town Centres
- Tier 3: District Centres
- Tier 4: Neighbourhood Centres
- Tier 5: Commercial Centres

In this instance, and as outlined above, the application site is zoned under Policy B1 (Business and Industrial) and therefore on the basis that the proposed development would not be located within any designated centre, then it must be treated as an out-of-centre proposal, and assessed against the requirements of Policy NC5 (Out of Centre Proposals). Policy NC5 states that:

“All significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements (unless on sites allocated for that use in this plan) –

- 1. no other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time.*
- 2. there will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance.*
- 3. there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.*
- 4. the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.*
- 5. the proposed development would have no significantly adverse effect on travel patterns and air pollution.”*

These five requirements of Policy NC5 are considered below:

Consideration of Other Sites: The planning statement submitted in support of the proposed development states that “SPP sets out a ‘town centres first’ approach which promotes town centres as the primary location for new uses which ‘attract a significant number of people’. This is established through a ‘sequential approach’ for site selection, whereby out-of-town locations are the least preferred location for certain uses. Town centre locations are not always possible, and in the case of the proposed development, which is commonly found in out-of-town locations, this is an appropriate location for such a use. Furthermore, the proposed development in this location would not impact on the vitality and viability of the city centre”. In terms of Policy NC4, no supporting information has been provided to substantiate the above statement nor has evidence on the availability or likely availability of other suitable sites for the proposed use been provided.

Impact on Existing Centres: Whilst the planning statement submitted in support of the application states that the proposed development in this location would not impact on the vitality and viability of the city centre, there has been no analysis of the potential impact on any identified centre submitted in support of the application. It is therefore not possible to establish whether existing centres would be affected, should the development proceed. However, it is worth noting that an existing drive-thru coffee shop operating 15 hours a day and 7 days a week is located some 2 km from the application site within the Denmore Retail Park.

Retail Capacity and Deficiency: Notwithstanding that one of the two existing drive-thru facilities neighbouring the application site, whilst constructed, is yet to start trading (KFC), the applicant has failed to demonstrate that there is an existing deficiency in drive-thru facilities within the area. Furthermore, and as highlighted above, an existing drive-thru coffee shop operates at some 2 km from the application site, and at less than 500 metres off the Ellon Road within the Denmore Retail Park. There would appear to be sufficient provision, including within the surrounding area to serve the existing business and industrial park, and as such there is no necessity for this development.

The planning statement confirms that the rationale behind the proposal is that *“the site is located on the edge of an existing industrial estate, is not of an appropriate size or quality to accommodate a viable level of Class 4, 5 or 6 use, and that the marketing that has taken place over the past 10 years demonstrates that this is not a viable use. The proposal presents an opportunity to introduce a mix of uses to enhance the amenity of nearby businesses, as well as passing trade, without impacting upon the nature of the industrial estate area.”*

Whilst SPP requires planning authorities to show flexibility in responding to changing economic circumstances and allow the realisation of new business and employment opportunities, this flexibility must be balanced against allowing development in inappropriate locations. It is maintained that the site is not of an acceptable size or quality for a business or industrial use, however, this in itself does not lead to the conclusion that approval must therefore be granted for an alternative use which does not comply with wider planning policy.

Accessibility and Air Quality: SPP outlines that planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

The proposed development is accessible for both pedestrians and cyclists, and also by public transport. There are bus stops on both sides of Ellon Road at a distance of between 160 and 270 metres from the site, and a shared footway/cycleway on the northbound side of the A956. Whilst acknowledging that there are no apparent concerns in terms of providing a range of travel options to the site, it is nevertheless expected that access to the drive-thru coffee shop would be predominantly by private car, and this is further evidenced by on-site car parking which would be delivered to the maximum standards. It is also evident that the proposed coffee shop would be less car dependant if it were to be located within a city centre or other centre location.

In terms of air quality, and given the nature of development, the impact of emissions to air from or associated with the development is unlikely to be of concern.

Summary of Compliance with Policy NC5

There has been no consideration of alternative sites for the proposed use, nor has it been demonstrated that there is a proven deficiency in the provision of the type of development that is

being proposed. The proposal would see the introduction of a 3rd drive-thru facility within a radius of less than 100 metres along a stretch of road directly accessed off Ellon Road, and to a site which forms the western edge of the Bridge of Don Industrial Estate. Rather than seeking to complement similar existing uses in designated centres, the proposed development would be in direct competition with them. Notwithstanding that the proposed drive-thru facility would be accessible by pedestrians and cyclists and by suitably frequent and convenient public transport services, and would not raise any significant concerns from an air quality perspective, by its very nature, whilst not solely dependent, it would nevertheless be largely dependent on access by private car. Taking into account all of the above, it is clear that the proposal fails to address the requirements of Policy NC5 (Out of Centre Proposals) of the ALDP.

Design, siting, scale etc

In relation to Policy D1 (Quality Placemaking by Design) of the ALDP, it is acknowledged that the design, scale and positioning of the proposed development within the site raises no specific concern. However, neither does the proposal have any significant or exceptional merit which would justify departure from local development plan policy and thereby outweigh non-compliance with Policy BI1 (Business and Industrial Land).

Traffic Impacts, Access Arrangements and Car Parking

A Transport Statement and Service Management Plan were submitted in support of the proposed development. ACC Roads Development Management team provided comment on the proposal and the information included within these supporting documents, and as a result of concerns raised regarding the proposed servicing of the site and the potential conflict with the proposed parking arrangements, sought amendments to the site layout, in addition to an updated service plan and a revised transport statement including traffic surveys. The revised internal layout of the site is considered acceptable, with the main frontage of the proposed building facing south across an area of car parking, towards the neighbouring KFC site and beyond to Broadfold Road. A new road access off Intown Road is proposed along the eastern boundary of the site, adjacent to its south-eastern corner. The revised site layout includes an acceptable level of car, motor cycle and cycle parking and delivers the maximum parking standards deemed permissible for this type of use based on Aberdeen City Council's supplementary guidance on Transport and Accessibility, with parking spaces reduced from 25 to 19 as a result of the site reconfiguration. The revised site layout also includes a reduction in width to the access junction onto Intown Road, which Roads DM team has advised would restrict deliveries to small delivery vehicles.

The Bridge of Don Community Council objected to the proposal, with concerns raised regarding the likely impact of the proposed development on the local road network. These concerns relate to the proximity of the proposed coffee shop drive-thru facility with the existing McDonalds and KFC drive-thrus, and the ongoing issues of traffic building up at the Ellon Road/Broadfold Road junction. They have commented that whilst upgrades to this junction have been undertaken as a result of the approval granted for the KFC drive-thru, the traffic management issues which the upgrade sought to address have continued, including junctions being blocked and traffic building up, and these traffic flow problems have remained without the KFC facility having yet started to operate.

The Roads DM team sought a traffic survey as part of the Transport Statement and this was included within the Transport Addendum submitted in November 2019. The survey acknowledged that there were ongoing traffic pressures at the Ellon Road/Broadfold Road junction and considered this was as a result of the McDonalds drive-thru overtrading. The Transport Addendum also outlined that the modelling programme utilised to assess the capacity of road junctions was unable to account for vehicles parking within the Intown Road/Broadfold Road/McDonalds Access junction, and based the results on yellow lines having been introduced, as per an existing TRO, along Broadfold Road. The survey findings stated that the Intown Road/Broadfold Road junction would operate well within capacity once the proposed coffee-shop drive-thru was in place and identified significant spare capacity at that junction to accommodate future demand. The Roads DM team was satisfied with

the outcome of the survey results and advised that the results had successfully shown that the Intown Road/Broadfold Road junction could operate within capacity as a result of the proposed development. This was on the basis that the double yellow lines which the KFC development was required to install along Broadfold Road were in place, and it can be confirmed that these double yellow lines have been installed.

The Bridge of Don Community Council were given the opportunity to submit further representation following receipt by the planning authority of the revised Travel and Servicing Management Plan and Transport Addendum with associated survey, on the basis that the concerns which they had raised were almost exclusively in relation to the traffic impact of the proposal. Additional comments were submitted by the Community Council, with these very much re-iterating their original concerns relating to the impact which an additional drive-thru development on Intown Road would likely have, given their experience of the current pressure on the surrounding road network at peak times. Their concerns also related to the outcome of the traffic survey which indicated significant spare capacity at the Ellon Road/Broadfold Road junction, and yet these findings did not match their own observations of how the junction was functioning, with traffic backing onto Broadfold Road and blocking free movement for vehicles, and with parking on double yellow lines on Broadfold Road/Intown Road causing further issues. It should be noted that these same issues were witnessed by the case officer whilst undertaking site visits as part of the evaluation of the planning application.

Taking into account all of the supporting information submitted, including the revised Travel and Servicing Management Plan and Transport Addendum with associated traffic survey, along with the amended site layout, the Roads Development Management Team advised they had no further concerns regarding the proposed development. However, notwithstanding this, and bearing in mind that the more recently consented fast-food drive-thru is not yet operating, and traffic flow issues don't appear to have been addressed with the upgrading of the road junctions and introduction of traffic waiting restrictions, then it is considered that the proposed development would likely exacerbate existing traffic congestion in the vicinity of the site.

It is therefore considered that whilst the proposal would suitably comply with the requirements of Policy T3 (Sustainable and Active Travel) of the ALDP, it would not address the expectations of Policy T2 (Managing the Transport Impact of Development).

Other Technical Matters

Part of the site falls within a major hazard site consultation zone and as a result the Health and Safety Executive were consulted on the proposal. HSE did not advise against the proposed development and the proposal is therefore deemed compliant with Policy B6 (Pipelines, Major Hazards and Explosive Storage Sites) of the ALDP.

Policy R6 (Waste Management Requirements for New Development) of the ALDP requires all new development to provide sufficient space for waste storage. Provision has been made for bin storage to the rear of the facility and along the northern boundary of the site, with collection from Intown Road. Roads Development Management have advised that the proposed waste storage and collection arrangements are acceptable. The proposal would therefore be suitably compliant with the above policy.

A Drainage Impact Assessment was submitted in support of the proposed development and included detail on a drainage channel across the site access junction, surface water drainage arrangements for car parking areas and the building roof through the use of porous surfacing and cellular attenuation units. Following the submission of additional information relating to surface water treatment in the form of an updated DIA, Roads Development Management confirmed they had no concerns with the proposed drainage arrangements. The proposal would therefore be suitably compliant with Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the relevant policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is therefore unacceptable in terms of both Plans for the reasons previously given.

Conclusion

The proposal may be considered acceptable in terms of its design and scale, however it fails to comply with the requirements of Policy B1 (Business and Industrial Land) of the ALDP in as far as it does not constitute a business or industrial use, nor does it relate to a use which could be considered ancillary to other uses within the surrounding business park. Given the nature of the proposal and that it would neighbour two existing drive-thru facilities, it would not be aimed primarily at meeting the needs of the surrounding businesses and their employees. As a result the proposal would constitute a departure from development plan policy.

In terms of Policy NC4 (Sequential Approach and Impact) of the ALDP, and taking into account that the application site is zoned under Policy B1 (Business and Industrial), then on the basis that the proposed development would not be located within any designated centre, it must be treated as an out-of-centre proposal, and assessed against the requirements of Policy NC5 (Out of Centre Proposals). With this in mind, the applicant has not demonstrated that there has been any consideration of alternative sites or that there is any proven deficiency in provision of the kind of development proposed, and rather than the proposed development complementing a similar existing use in a designated centre, it would likely be in direct competition with them. The proposal therefore fails to address the requirements of Policy NC5 (Out of Centre Proposals) of the ALDP.

Whilst the proposal would suitably comply with the requirements of Policy T3 (Sustainable and Active Travel) of the ALDP, it would not address the expectations of Policy T2 (Managing the Transport Impact of Development). Concerns relating predominantly to ongoing traffic flow/road junction problems within the area immediately surrounding the site and the additional impact which the introduction of a further drive-thru facility may have on these existing problems appear to be well founded.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed development fails to comply with the requirements of Policy B1 (Business and Industrial Land) of the Aberdeen City Local Development Plan in as far as it does not constitute a business or industrial use or a use that could be considered ancillary to other uses within the surrounding business park. By its very nature, the main focus of a drive-thru coffee shop 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 A956 Ellon Road dual carriageway, from which the site is accessed. On this basis the proposed development would not deliver a use aimed primarily at meeting the needs of businesses and employees within the surrounding business and industrial area, but would clearly aim to serve a customer base from a far wider area.

The proposal also fails to address the requirements of Policy NC4 (Sequential Approach and Impact) and Policy NC5 (Out of Centre Proposals) of the Aberdeen City Local Development Plan. It has not been demonstrated that any consideration has been given to locating the proposed development at an alternative site within a designated centre, or that there is any proven deficiency in provision of the kind of development proposed. Moreover, rather than complementing a similar existing use

within a designated centre as required under Policy NC5, it is considered that the proposal would likely be in direct competition and as such have the potential to affect the vitality/viability of such centres.

In recognising that the site is located adjacent to one of the main thoroughfares in/out of the city and that the proposed development would serve a customer base beyond that of the surrounding business and industrial area, it is acknowledged that this location allows for access by public transport, cyclists and pedestrians. As such it is deemed suitably compliant with Policy T3 (Sustainable and Active Travel) of the Aberdeen City Local Development Plan.

The proposed development would, by its very nature, generate additional traffic. Recent upgrading of the Ellon Road/Broadfold Road/Intown Road junction layout does not appear to have addressed ongoing traffic flow problems at this road junction, as acknowledged by the applicant within the Transport Statement Addendum. The statement advises that the introduction of no waiting restrictions along the northern side of Broadfold Road would address such problems, and allow the Intown Road/Broadfold Road junction to operate within capacity. The traffic modelling undertaken assumed the parking restrictions had already been introduced. However, with the waiting restrictions now in place, and notwithstanding the comments by the Roads Development Management Team, it is apparent from on-site observations that the traffic flow problems around the Ellon Road/Broadfold Road/Intown Road junction remain. These traffic issues have been outlined in some detail by the Bridge of Don Community Council, whilst also experienced on a number of site visits undertaken by the case officer. Problems relating to traffic flow continue to occur, regardless of the junction upgrades and the introduction of waiting restrictions, and as such, cannot be overlooked in the Council's determination of the application. Taking all of the above into account, and bearing in mind that the recently consented fast-food drive-thru which immediately neighbours the application site is not yet operational, it is considered that the proposed development would likely exacerbate existing traffic congestion in the vicinity of the site and as such the proposal does not fully address the expectations of Policy T2 (Managing the Transport Impact of Development).

It is acknowledged that the design, scale and finish of the proposed development may not raise specific concerns. Similarly matters including site drainage and waste management arrangements have been suitably addressed. However, whilst the requirements of Policies D1 (Quality Placemaking by Design), R6 (Waste Management Requirements for New Developments) and NE6 (Flooding, Drainage & Water Quality) may have been suitably addressed, compliance with such policy cannot be viewed in isolation nor outweigh the issue of principle in this instance.

There are no material considerations identified, including evaluation under the Proposed Aberdeen Local Development Plan 2020, that would outweigh the above policy position or justify approval of the application.



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North 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 100167895-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed coffee shop, ancillary class 1 use, associated drive-thru (sui generis) and associated infrastructure.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

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:	
Last Name: *	Planning	Building Number:	8
Telephone Number: *	01224 388700	Address 1 (Street): *	Victoria Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 1XB
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:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Agent
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	c/o agent
Company/Organisation	Kemble Estates Ltd.	Address 2:	
Telephone Number: *		Town/City: *	c/o agent
Extension Number:		Country: *	c/o agent
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

810551

Easting

394600

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Pre-application advice was sought and a written pre-application response received.

Title:

Ms

Other title:

First Name:

Jane

Last Name:

Forbes

Correspondence Reference Number:

170154/PREAPP

Date (dd/mm/yyyy):

29/01/2018

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.28

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

The site was formerly used as a car garage but has been vacant for a number of years

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

25

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

See attached statement and drawings.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

190

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Halliday Fraser Munro Planning

On behalf of: Kemble Estates Ltd.

Date: 25/06/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|---|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Planning Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: . Halliday Fraser Munro Planning

Declaration Date: 16/08/2019

Payment Details

Online payment: ABSP00004333
Payment date: 16/08/2019 15:50:00

Created: 16/08/2019 15:50



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North 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 100167895-002

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.

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

810551

Easting

394600

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:	
Last Name: *	Planning	Building Number:	8
Telephone Number: *	01224 388700	Address 1 (Street): *	Victoria Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 1XB
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:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o agent
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	c/o agent
Company/Organisation	Kemble Estates Ltd.	Address 2:	
Telephone Number: *		Town/City: *	c/o agent
Extension Number:		Country: *	c/o agent
Mobile Number:		Postcode: *	c/o agent
Fax Number:			
Email Address: *	planning@hfm.co.uk		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

Yes No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

100167895-001, application for Planning Permission, submitted on 16/08/2019

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Revisions to proposed site plan, ground floor plan, roof plan, elevations, swept path and transport management plan in light of discussions with Aberdeen City Council's Roads Department.

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: . Halliday Fraser Munro Planning

Declaration Date: 29/01/2020

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Halliday Fraser Munro
8 Victoria Street
Aberdeen
AB10 1XB

on behalf of **Kemble Estates Ltd.**

With reference to your application validly received on 16 August 2019 for the following development:-

Erection of coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping works

at **Site 2, Intown Road, Bridge of Don**

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:

Drawing Number	Drawing Type
A/190038 900 REV 8	Other Drawing or Plan
11438-HFM-ZZ-XX-DR-A-P(00)03 REV PO7	Site Layout (Proposed)
11438-HFM-ZZ-XX-DR-A-P(00)06 REV PO3	Multiple Elevations (Proposed)
11438-HFM-ZZ-XX-DR-A-P(00)01 Rev P01	Location Plan
2136 / 01 Rev B	Site Layout (Landscaping)
11438-HFM-ZZ-XX-DR-A-P(00)07 Rev P01	Site Cross Section
2136 / 02 RevB	Site Layout (Landscaping)
901 Rev 1	Site Layout (Levels)
902 Rev 1	Site Layout (Drainage)
11438-HFM-ZZ-XX-DR-A-P(00)04 O2	Ground Floor Plan (Proposed)
11438-HFM-ZZ-XX-DR-A-P(00)05 O3	Multiple Elevations (Proposed)
11438-HFM-ZZ-XX-DR-A-P(00)08 O2	Roof Plan (Proposed)
A/190038 SKI 2	Site Layout (Rigid Swept Path Analysis)

REASON FOR DECISION

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

The proposed development fails to comply with the requirements of Policy B1 (Business and Industrial Land) of the Aberdeen City Local Development Plan in as far as it does not constitute a business or industrial use or a use that could be considered ancillary to other uses within the surrounding business park. By its very nature, the main focus of a drive-thru coffee shop 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 A956 Ellon Road dual carriageway, from which the site is accessed. On this basis the proposed development would not deliver a use aimed primarily at meeting the needs of businesses and employees within the surrounding business and industrial area, but would clearly aim to serve a customer base from a far wider area.

The proposal also fails to address the requirements of Policy NC4 (Sequential Approach and Impact) and Policy NC5 (Out of Centre Proposals) of the Aberdeen City Local Development Plan. It has not been demonstrated that any consideration has been given to locating the proposed development at an alternative site within a designated centre, or that there is any proven deficiency in provision of the kind of development proposed. Moreover, rather than complementing a similar existing use within a designated centre as required under Policy NC5, it is considered that the proposal would likely be in direct competition and as such have the potential to affect the vitality/viability of such centres.

In recognising that the site is located adjacent to one of the main thoroughfares in/out of the city and that the proposed development would serve a customer base beyond that of the surrounding business and industrial area, it is acknowledged that this location allows for access by public transport, cyclists and pedestrians. As such it is deemed suitably compliant with Policy T3 (Sustainable and Active Travel) of the Aberdeen City Local Development Plan.

The proposed development would, by its very nature, generate additional traffic. Recent upgrading of the Ellon Road/Broadfold Road/Intown Road junction layout does not appear to have addressed ongoing traffic flow problems at this road junction, as acknowledged by the applicant within the Transport Statement Addendum. The statement advises that the introduction of no waiting restrictions along the northern side of Broadfold Road would address such problems, and allow the Intown Road/Broadfold Road junction to operate within capacity. The traffic modelling undertaken assumed the parking restrictions had already been introduced. However, with the waiting restrictions now in place, and notwithstanding the comments by the Roads Development Management Team, it is apparent from on-site observations that the traffic flow problems around the Ellon Road/Broadfold Road/Intown Road junction remain. These traffic issues have been outlined in some detail by the Bridge of Don Community Council, whilst also experienced on a number of site visits undertaken by the case officer. Problems relating to traffic flow continue to occur, regardless of the junction upgrades and the introduction of waiting restrictions, and as such, cannot be overlooked in the Council's determination of the application. Taking all of the above into account, and bearing in mind that the

recently consented fast-food drive-thru which immediately neighbours the application site is not yet operational, it is considered that the proposed development would likely exacerbate existing traffic congestion in the vicinity of the site and as such the proposal does not fully address the expectations of Policy T2 (Managing the Transport Impact of Development).

It is acknowledged that the design, scale and finish of the proposed development may not raise specific concerns. Similarly matters including site drainage and waste management arrangements have been suitably addressed. However, whilst the requirements of Policies D1 (Quality Placemaking by Design), R6 (Waste Management Requirements for New Developments) and NE6 (Flooding, Drainage & Water Quality) may have been suitably addressed, compliance with such policy cannot be viewed in isolation nor outweigh the issue of principle in this instance.

There are no material considerations identified, including evaluation under the Proposed Aberdeen Local Development Plan 2020, that would outweigh the above policy position or justify approval of the application.

Date of Signing 5 March 2020

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive, slightly slanted style.

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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.

Notices of review submitted by post should be sent to Strategic Place Planning (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.

MEMO



To	Planning & Infrastructure	Date	03/09/2019
		Our Ref.	191277/DPP
From	Scott Lynch		
Email	slynch@aberdeencity.gov.uk		
Dial	01224 522292		
Fax			

Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Aberdeen
AB10 1AB

Tel 03000 200 291
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Planning Application No. 191277/DPP.

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

1 Development Proposal

- 1.1 I note that the application is for the erection of a coffee shop with a drive-thru (sui generis), and associated infrastructure and landscaping works at Site 2, Intown Road, Broadfold Road, Aberdeen.
- 1.2 The site is located in the outer city, outwith any controlled parking zone.
- 1.3 The restaurant has a GFA of 190m², and is proposed to be open 24/7.

2 Walking and Cycling

- 2.1 Pedestrian access will be taken from Intown Road, and internal pedestrian infrastructure will connect with the existing external network. The internal pedestrian network is acceptable, with pedestrians having only a short distance to walk to the unit, and priority being given to cross the vehicular lane.
- 2.2 Pedestrian footways bounding the site on all sides should be widened to 2m where these are not already present. A dropped kerb provision should be made at the site access junction.
- 2.3 The planning statement mentions that "a new footpath connection over intown Road to the bus stop on the A956 is proposed". Can more information be provided regarding this? No drawings appear to show this. A connection between Intown Road and Ellon Road would be required, as this is the desire-line for patrons between the proposed site and the bus stop – they are unlikely to walk the large detour around Broadfold Road.
- 2.4 The path on the Northbound side of the A956 is signposted as a shared footway/cycleway, and the Southbound carriageway on the A956 hosts a dedicated bus, cycle, and taxi lane. Other recommended local cycle routes

exist around the Bridge of Don area to the North and West of the site, which utilise quieter roads.

3 Public Transport

- 3.1 There are regularly serviced bus stops on both sides of the road within 30m of the site. As such, the site is highly accessible by public transport.
- 3.2 A new footpath connection over Intown Road to the bus stop is proposed. This is welcomed.

4 Parking

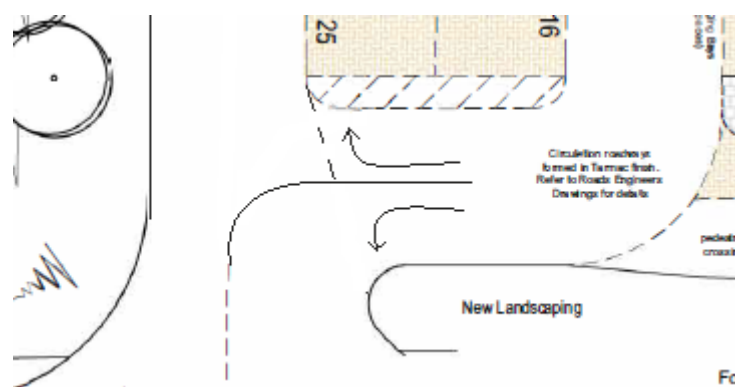
- 4.1 I note that 25 car parking spaces are proposed, of which 3 are for disabled users. Additionally, 2 motorcycle bays and 10 cycle spaces are proposed, as well as passive electric charging points.
- 4.2 I note that the markings for the grill bays extend far beyond what is required – this results in one grill bay protruding over the zebra crossing, which is not ideal. Can the applicant formalise these grill bays into more typically sized bays, as is present at the adjacent KFC site?
- 4.3 Our parking standards dictate that the maximum permissible parking is 1 space per 10m² GFA. As such, the maximum parking provision is 19 spaces. I note that 22 are proposed. This is too many – these should be reduced in line with our standards.
- 4.4 I note that active electric charging spaces can be provided over and above the parking standard, whereas passive cannot. I acknowledge that the 2 proposed passive electric bays are in line with our standards, however passive charging bays are essentially standard parking spaces with cabling underneath for future modification to an active provision, i.e. they don't contribute to site sustainability in their current form. As the site has a proposed overprovision of parking, and given that our standards advocate "higher than minimum provision" being provided, I would suggest that these 2 passive spaces should instead be active. This would also increase the sites sustainability as per policy T2.
- 4.5 Only 5 cycle parking spaces are required, yet 10 are proposed. This is welcomed. These parking spaces should be long-stay, i.e. secure *and* covered. Are they to be covered? This is not clear from the current proposal.
- 4.6 The 2 motorcycle parking spaces proposed are adequate.
- 4.7 No dimensions for the parking spaces are shown. These should be in line with our standards – i.e. 2.5m x 5.0m, with 6.0m clear aisle width.

5 Development Vehicle Access

- 5.1 I note that, in the TS, the applicant states that "TRO's are in place on Intown Road on either side of the carriageway to the South of the site access, and on the Eastern side of the carriageway to the North of the junction...The TRO's take the form of double yellow lines...ensuring suitable visibility splays are achievable." If no double yellow lines are in place on the West side of the carriage way to the North of the site access junction, then there is likely to be parked cars within the visibility splay?

6 Internal Road Layout

- 6.1 Swept paths provided lack a 250mm buffer between the edge of the carriageway. This should be shown in a blue dashed line and is important as it accounts for variability in driver ability.
- 6.2 The swept paths show vehicles passing through parking spaces. This is not permitted. This is especially the case as the site is proposed to be open 24 hours a day, so deliveries cannot be guaranteed to occur at a time when parking bays will be empty. These should be amended. I further note that the TS submitted acknowledges that servicing will need to take place “outwith opening hours”, however this conflicts with the 24 hour proposal.
- 6.3 Swept paths should be shown for a standard 11.5m refuse collection vehicle, unless an alternative is proposed, which should also then be shown.
- 6.4 Swept paths for cars are only shown to enter and exit the drive-thru – can these also be shown travelling around the one-way system in its’ entirety?
- 6.5 I note that the internal one-way system takes the applicant straight back out onto Intown Road and doesn’t offer the opportunity to recirculate through the site. What is to happen if someone tries to get parked in spaces 1-16, realises they’re occupied, and then needs to go back round? They’re unlikely to completely exit the site, turn round, and re-enter. Could the lining be amended to something similar to the following? Note this is purely indicative.



7 Local Road Network

- 7.1 Given the proximity of an existing McDonalds, and a consented KFC, it is highly likely that there will be an element of shared trips. Additionally, a large percentage of drive-through custom is typically pass-by in nature.
- 7.2 The TRICS assessment undertaken by the applicant has highlighted that there is likely to be in the region of 60 and 49 two-way traffic movements during the AM and PM peak hours, i.e. ~1 car per minute on average. This is not concerning, particularly if we assume that a large portion of these will not be new trips on the network.
- 7.3 The applicant has stated that the KFC TA shows the Broadfold Road junction will operate at only 34% of the available capacity (including KFC traffic) after the Road improvements which have recently been undertaken – meaning there is plenty of spare capacity for their site.

- 7.4 For the reasons stated in 7.1 and 7.2, it is not felt that the proposal would have large impact on the junction, however I feel that the predicted 34% is perhaps overly ambitious, and that the constrained McDonalds site may still be having a larger impact on the junction than was predicted analytically. For this reason, it would be prudent for the applicant to undertake traffic surveys identical to those undertaken by KFC (i.e. 16:15-17:15 during the week, and 12:15-13:15 on a Saturday) to establish empirical data on the junctions capacity. This will allow us to establish if there is indeed reserve capacity enough to cater to Starbucks traffic.

I acknowledge that in an email to the applicant dated 07/02/2019 I said “detailed accessibility analysis and assessment of the traffic impacts will not be required”. I can appreciate how this request for a survey may be construed as being contrary to this statement. However, I then stated “the TS (which should be scoped with us)...”, to which the applicant responded “I’ll contact you in due course with proposed scoping parameters” which I do not believe ever occurred.

8 Travel Plan Framework

- 8.1 A successful TP should have an overarching aim, realistic modal share targets and a series of measures to obtain these targets set out in an Action Plan.
- 8.2 The applicant has stated that the TP will be implemented by the developer who will work in conjunction with ACC in its’ creation and implementation. This should be conditioned.
- 8.3 The example contents shown is a good representation of what would be expected of a Travel Plan.

9 Drainage Impact Assessment

- 9.1 I note that a drainage channel is proposed access the site access junction – this is an ideal means of preventing surface water flowing from unadopted surfaces to the Councils’ adopted surface, which is not permitted.
- 9.2 The applicant acknowledges that 2 levels of treatment are required for the road and car parking runoff – this is correct. The two methods proposed are permeable block paving and a Hydro Downstream Defender – can more information on the Downstream Defender be provided?
- 9.3 The applicant should also compare the pollution indices with the hazard mitigation indices in order to evidence that adequate SUDs measures have been provided. This should be incorporated into the DIA.

10 Construction Consent

- 10.1 The access junction is to be designed to Aberdeen City Council standards. The development will require to be subject to a Section 56 Roads Construction Consent procedure and I would urge the applicant to contact Colin Burnet on 01224 522409 to discuss this matter in further detail.

11 Conclusion

11.1 There are outstanding issues in respect of this planning application. I will be in a position to make further comment upon receipt of the requested information.

Scott Lynch
Senior Engineer
Roads Development Management

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MEMO



To	Planning & Infrastructure	Date	04/11/2019
		Our Ref.	191277/DPP
From	Scott Lynch		
Email	slynch@aberdeencity.gov.uk		
Dial	01224 522292		
Fax			

Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Aberdeen
AB10 1AB

Tel 03000 200 291
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Planning Application No. 191277/DPP.

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

1 Development Proposal

- 1.1 I note that the application is for the erection of a coffee shop with a drive-thru (sui generis), and associated infrastructure and landscaping works at Site 2, Intown Road, Broadfold Road, Aberdeen.
- 1.2 The site is located in the outer city, outwith any controlled parking zone.
- 1.3 The restaurant has a GFA of 190m², and is proposed to be open 24/7.
- 1.4 This is the second revision of Roads comments. The applicants' responses will be noted in **red**, with roads comments underneath in black. The final Roads comment will be shown in **bold**. Note – as the applicants response was in the form of a separate, self-contained document, the relevant sections have been quoted / paraphrased within this report in relevant sections.

2 Walking and Cycling

- 2.1 Pedestrian access will be taken from Intown Road, and internal pedestrian infrastructure will connect with the existing external network. The internal pedestrian network is acceptable, with pedestrians having only a short distance to walk to the unit, and priority being given to cross the vehicular lane.
- 2.2 Pedestrian footways bounding the site on all sides should be widened to 2m where these are not already present. A dropped kerb provision should be made at the site access junction.

Pedestrian connection to the existing network will be a minimum of 2m in width and dropped kerb crossings with tactile paving will be introduced across the site access.

Noted and accepted.

- 2.3 The planning statement mentions that “a new footpath connection over Intown Road to the bus stop on the A956 is proposed”. Can more information be provided regarding this? No drawings appear to show this. A connection between Intown Road and Ellon Road would be required, as this is the desire-line for patrons between the proposed site and the bus stop – they are unlikely to walk the large detour around Broadfold Road.

Such a link is unnecessary... Bus stops are located within a reasonable walking distance from the site on Ellon Road, via Broadfold Road. The walking distance from the site to the northbound stop is circa 210m and the walking distance to the southbound stop is circa 310m. These stops are within the recommended walking distances to public transport facilities detailed within PAN 75.

Noted and accepted.

- 2.4 The path on the Northbound side of the A956 is signposted as a shared footway/cycleway, and the Southbound carriageway on the A956 hosts a dedicated bus, cycle, and taxi lane. Other recommended local cycle routes exist around the Bridge of Don area to the North and West of the site, which utilise quieter roads.

3 Public Transport

- 3.1 There are regularly serviced bus stops on both sides of the road within 30m of the site. As such, the site is highly accessible by public transport.
- 3.2 A new footpath connection over Intown Road to the bus stop is proposed. This is welcomed.

This is no longer proposed, which is also acceptable given that both stops fall within 400m.

4 Parking

- 4.1 I note that 25 car parking spaces are proposed, of which 3 are for disabled users. Additionally, 2 motorcycle bays and 10 cycle spaces are proposed, as well as passive electric charging points.
- 4.2 I note that the markings for the grill bays extend far beyond what is required – this results in one grill bay protruding over the zebra crossing, which is not ideal. Can the applicant formalise these grill bays into more typically sized bays, as is present at the adjacent KFC site?

Grill waiting bays amended accordingly.

Noted and accepted.

- 4.3 Our parking standards dictate that the maximum permissible parking is 1 space per 10m² GFA. As such, the maximum parking provision is 19 spaces. I note that 22 are proposed. This is too many – these should be reduced in line with our standards.

The development site layout has been revised to accommodate comments detailed within ACC’s consultation response. 3 standard parking bays have been removed from the layout.

Noted and accepted.

- 4.4 I note that active electric charging spaces can be provided over and above the parking standard, whereas active cannot. I acknowledge that the 2 proposed passive electric bays are in line with our standards, however passive charging bays are essentially standard parking spaces with cabling underneath for future modification to an active provision, i.e. they don't contribute to site sustainability in their current form. As the site has a proposed overprovision of parking, and given that our standards advocate "higher than minimum provision" being provided, I would suggest that these 2 passive spaces should instead be active. This would also increase the sites sustainability as per policy T2.

2 passive charging bays have been maintained as per the original proposal.

Noted and accepted.

- 4.5 Only 5 cycle parking spaces are required, yet 10 are proposed. This is welcomed. These parking spaces should be long-stay, i.e. secure *and* covered. Are they to be covered? This is not clear from the current proposal.

This has not been addressed.

- 4.6 The 2 motorcycle parking spaces proposed are adequate.
- 4.7 No dimensions for the parking spaces are shown. These should be in line with our standards – i.e. 2.5m x 5.0m, with 6.0m clear aisle width.

Dimensions of the standard car parking bays are 2.5m x 5.0m, and circulating aisles are 6m to assist with vehicle manoeuvres.

Noted and accepted.

5 Development Vehicle Access

- 5.1 I note that, in the TS, the applicant states that "TRO's are in place on Intown Road on either side of the carriageway to the South of the site access, and on the Eastern side of the carriageway to the North of the junction...The TRO's take the form of double yellow lines...ensuring suitable visibility splays are achievable." If no double yellow lines are in place on the West side of the carriage way to the North of the site access junction, then there is likely to be parked cars within the visibility splay?

The development parking provision is proposed to ensure sufficient space onsite to accommodate demand. Therefore, overspill parking onto adjacent street network is not anticipated. As a result, the absence of Traffic Regulation Orders to the north of the site are not a concern. Nonetheless, in the event a vehicle was parked to the north of the site access on the western side of the carriageway, drivers could continue to see clearly for a distance of 37m to the opposite side of the carriageway, ensuring vehicles from the north would be visible.

Noted, however standards dictate that, unless there are physical means to prevent crossing the centreline, visibility splays should be on the near-side of the road relative to the junction. As such, I reiterate the preference of ACC Roads that double yellow lines are installed North of the proposed access, on the West side of the road, up until the existing Intown Road / Intown Road junction.

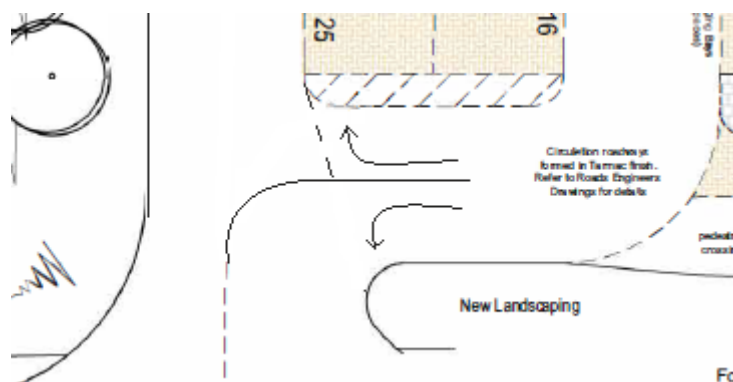
6 Internal Road Layout

- 6.1 Swept paths provided lack a 250mm buffer between the edge of the carriageway. This should be shown in a blue dashed line and is important as it accounts for variability in driver ability.
- 6.2 The swept paths show vehicles passing through parking spaces. This is not permitted. This is especially the case as the site is proposed to be open 24 hours a day, so deliveries cannot be guaranteed to occur at a time when parking bays will be empty. These should be amended. I further note that the TS submitted acknowledges that servicing will need to take place “outwith opening hours”, however this conflicts with the 24 hour proposal.
- 6.3 Swept paths should be shown for a standard 10.5m refuse collection vehicle, unless an alternative is proposed, which should also then be shown.
- 6.4 Swept paths for cars are only shown to enter and exit the drive-thru – can these also be shown travelling around the one-way system in its’ entirety?

A revised set of vehicle swept path drawings have been enclosed within this note which address the issues raised within ACC’s consultation response. The project team architects, client, and end user are working together to develop a management plan to cater for the 24-hour operation, as such it is understood that the crossing of spaces by service vehicles will be addressed. A copy of the service management plan will be circulated upon receipt.

I note that I previously requested an 11.5m refuse vehicle – this is an error and should be a 10.6m vehicle, as is now shown by the applicant. Apologies for this. Swept paths are not checked at this stage as the management plan has not yet been received, as such the vehicle crossing multiple spaces is still deemed insufficient. I will revisit the swept paths when this document is submitted. This is an outstanding issue.

- 6.5 I note that the internal one-way system takes the applicant straight back out onto Intown Road and doesn’t offer the opportunity to recirculate through the site. What is to happen if someone tries to get parked in spaces 1-16, realises they’re occupied, and then needs to go back round? They’re unlikely to completely exit the site, turn round, and re-enter. Could the lining be amended to something similar to the following? Note this is purely indicative.



Drawing has been updated.

Noted and accepted.

7 Local Road Network

- 7.1 Given the proximity of an existing McDonalds, and a consented KFC, it is highly likely that there will be an element of shared trips. Additionally, a large percentage of drive-through custom is typically pass-by in nature.

ACC agrees that McDonalds, KFC, and the proposed drive through coffee shop are likely to share trade to a certain extent. Therefore, the parking demand for this location could be less than it would be for a standalone drive through.

Noted and accepted.

- 7.2 The TRICS assessment undertaken by the applicant has highlighted that there is likely to be in the region of 60 and 49 two-way traffic movements during the AM and PM peak hours, i.e. ~1 car per minute on average. This is not concerning, particularly if we assume that a large portion of these will not be new trips on the network.
- 7.3 The applicant has stated that the KFC TA shows the Broadfold Road junction will operate at only 34% of the available capacity (including KFC traffic) after the Road improvements which have recently been undertaken – meaning there is plenty of spare capacity for their site.
- 7.4 For the reasons stated in 7.1 and 7.2, it is not felt that the proposal would have large impact on the junction, however I feel that the predicted 34% is perhaps overly ambitious, and that the constrained McDonalds site may still be having a larger impact on the junction than was predicted analytically. For this reason, it would be prudent for the applicant to undertake traffic surveys identical to those undertaken by KFC (i.e. 16:15-17:15 during the week, and 12:15-13:15 on a Saturday) to establish empirical data on the junctions capacity. This will allow us to establish if there is indeed reserve capacity enough to cater to Starbucks traffic.

I acknowledge that in an email to the applicant dated 07/02/2019 I said “detailed accessibility analysis and assessment of the traffic impacts will not be required”. I can appreciate how this request for a survey may be construed as being contrary to this statement. However, I then stated “the TS (which should be scoped with us)...”, to which the applicant responded “I’ll contact you in due course with proposed scoping parameters” which I do not believe ever occurred.

Results contained within Table 2 demonstrate that the junction will continue to operate well within capacity with minimal queue once the coffee new drive thru is in place. A maximum RFC of 26% is expected to occur on the McDonalds Exit arm of the junction with a corresponding queue of 0.3 vehicles during the Saturday afternoon peak. The results highlighted that there is significant spare capacity at the junction to accommodate future demand.

I noted that the applicant undertook the request for further analysis and has successfully shown that the junction will operate well within capacity. This assumes that the TRO to be complied with by KFC will remove McDonalds customers parked on Broadfold Road as there will be double yellow lines installed here. This is a reasonable assumption.

8 Travel Plan Framework

- 8.1 A successful TP should have an overarching aim, realistic modal share targets and a series of measures to obtain these targets set out in an Action Plan.
- 8.2 The applicant has stated that the TP will be implemented by the developer who will work in conjunction with ACC in its' creation and implementation. This should be conditioned.
- 8.3 The example contents shown is a good representation of what would be expected of a Travel Plan.

9 Drainage Impact Assessment

- 9.1 I note that a drainage channel is proposed access the site access junction – this is an ideal means of preventing surface water flowing from unadopted surfaces to the Councils' adopted surface, which is not permitted.
- 9.2 The applicant acknowledges that 2 levels of treatment are required for the road and car parking runoff – this is correct. The two methods proposed are permeable block paving and a Hydro Downstream Defender – can more information on the Downstream Defender be provided?

Downstream Defender information has been provided and is acceptable.

- 9.3 The applicant should also compare the pollution indices with the hazard mitigation indices in order to evidence that adequate SUDs measures have been provided. This should be incorporated into the DIA.

The updated DIA shows that the pollution mitigation indices are equal to, or greater than, the land use hazard indices. This is required.

10 Construction Consent

- 10.1 The access junction is to be designed to Aberdeen City Council standards. The development will require to be subject to a Section 56 Roads Construction Consent procedure and I would urge the applicant to contact Colin Burnet on 01224 522409 to discuss this matter in further detail.

11 Conclusion

- 11.1 There are outstanding issues in respect of this planning application. I will be in a position to make further comment upon receipt of the requested information.

Scott Lynch
Senior Engineer
Roads Development Management

MEMO



To	Planning & Infrastructure	Date	12/02/2019
		Our Ref.	191277/DPP
From	Scott Lynch		
Email	slynch@aberdeencity.gov.uk		
Dial	01224 522292		
Fax			

Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Aberdeen
AB10 1AB

Tel 03000 200 291
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Planning Application No. 191277/DPP.

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

1 Development Proposal

- 1.1 I note that the application is for the erection of a coffee shop with a drive-thru (sui generis), and associated infrastructure and landscaping works at Site 2, Intown Road, Broadfold Road, Aberdeen.
- 1.2 The site is located in the outer city, outwith any controlled parking zone.
- 1.3 The restaurant has a GFA of 190m², and is proposed to be open 24/7.
- 1.4 This is the third revision of Roads comments. The applicants' responses will be noted in **red**, with roads comments underneath in black. The final Roads comment will be shown in **bold**. Note – as the applicants response was in the form of a separate, self-contained document, the relevant sections have been quoted / paraphrased within this report in relevant sections.

2 Walking and Cycling

- 2.1 Pedestrian access will be taken from Intown Road, and internal pedestrian infrastructure will connect with the existing external network. The internal pedestrian network is acceptable, with pedestrians having only a short distance to walk to the unit, and priority being given to cross the vehicular lane.
- 2.2 Pedestrian footways bounding the site on all sides should be widened to 2m where these are not already present. A dropped kerb provision should be made at the site access junction.

Pedestrian connection to the existing network will be a minimum of 2m in width and dropped kerb crossings with tactile paving will be introduced across the site access.

Noted and accepted.

- 2.3 The planning statement mentions that “a new footpath connection over Intown Road to the bus stop on the A956 is proposed”. Can more information be provided regarding this? No drawings appear to show this. A connection between Intown Road and Ellon Road would be required, as this is the desire-line for patrons between the proposed site and the bus stop – they are unlikely to walk the large detour around Broadfold Road.

Such a link is unnecessary... Bus stops are located within a reasonable walking distance from the site on Ellon Road, via Broadfold Road. The walking distance from the site to the northbound stop is circa 210m and the walking distance to the southbound stop is circa 310m. These stops are within the recommended walking distances to public transport facilities detailed within PAN 75.

Noted and accepted.

- 2.4 The path on the Northbound side of the A956 is signposted as a shared footway/cycleway, and the Southbound carriageway on the A956 hosts a dedicated bus, cycle, and taxi lane. Other recommended local cycle routes exist around the Bridge of Don area to the North and West of the site, which utilise quieter roads.

3 Public Transport

- 3.1 There are regularly serviced bus stops on both sides of the road within 30m of the site. As such, the site is highly accessible by public transport.
- 3.2 A new footpath connection over Intown Road to the bus stop is proposed. This is welcomed.

This is no longer proposed, which is also acceptable given that both stops fall within 400m.

4 Parking

- 4.1 I note that 25 car parking spaces are proposed, of which 3 are for disabled users. Additionally, 2 motorcycle bays and 10 cycle spaces are proposed, as well as passive electric charging points.
- 4.2 I note that the markings for the grill bays extend far beyond what is required – this results in one grill bay protruding over the zebra crossing, which is not ideal. Can the applicant formalise these grill bays into more typically sized bays, as is present at the adjacent KFC site?

Grill waiting bays amended accordingly.

Noted and accepted.

- 4.3 Our parking standards dictate that the maximum permissible parking is 1 space per 10m² GFA. As such, the maximum parking provision is 19 spaces. I note that 22 are proposed. This is too many – these should be reduced in line with our standards.

The development site layout has been revised to accommodate comments detailed within ACC’s consultation response. 3 standard parking bays have been removed from the layout.

Noted and accepted.

- 4.4 I note that active electric charging spaces can be provided over and above the parking standard, whereas active cannot. I acknowledge that the 2 proposed passive electric bays are in line with our standards, however passive charging bays are essentially standard parking spaces with cabling underneath for future modification to an active provision, i.e. they don't contribute to site sustainability in their current form. As the site has a proposed overprovision of parking, and given that our standards advocate "higher than minimum provision" being provided, I would suggest that these 2 passive spaces should instead be active. This would also increase the sites sustainability as per policy T2.

2 passive charging bays have been maintained as per the original proposal.

Noted and accepted.

- 4.5 Only 5 cycle parking spaces are required, yet 10 are proposed. This is welcomed. These parking spaces should be long-stay, i.e. secure *and* covered. Are they to be covered? This is not clear from the current proposal.

I note that I have an email from the applicant stating that they will keep 5 spaces for visitors, and relocate the long stay cycle parking for staff, however I cannot find any evidence that this has been done, and it is not clear from the most up-to-date site plan. Can the applicant confirm that there is long-stay cycle parking, and highlight its' location?

- 4.6 The 2 motorcycle parking spaces proposed are adequate.
- 4.7 No dimensions for the parking spaces are shown. These should be in line with our standards – i.e. 2.5m x 5.0m, with 6.0m clear aisle width.

Dimensions of the standard car parking bays are 2.5m x 5.0m, and circulating aisles are 6m to assist with vehicle manoeuvres.

Noted and accepted.

5 Development Vehicle Access

- 5.1 I note that, in the TS, the applicant states that "TRO's are in place on Intown Road on either side of the carriageway to the South of the site access, and on the Eastern side of the carriageway to the North of the junction...The TRO's take the form of double yellow lines...ensuring suitable visibility splays are achievable." If no double yellow lines are in place on the West side of the carriage way to the North of the site access junction, then there is likely to be parked cars within the visibility splay?

The development parking provision is proposed to ensure sufficient space onsite to accommodate demand. Therefore, overspill parking onto adjacent street network is not anticipated. As a result, the absence of Traffic Regulation Orders to the north of the site are not a concern. Nonetheless, in the event a vehicle was parked to the north of the site access on the western side of the carriageway, drivers could continue to see clearly for a distance of 37m to the opposite side of the carriageway, ensuring vehicles from the north would be visible.

Noted, however standards dictate that, unless there are physical means to prevent crossing the centreline, visibility splays should be on the near-side of the road relative to the junction. As such, I reiterate the preference of ACC Roads that double yellow lines are installed North of the proposed access, on

the West side of the road, up until the existing Intown Road / Intown Road junction.

We spoke about the TRO being required to be modified to take account of additional road markings at new junction and to vary the ability of refuse vehicles to use Intown Road as a servicing point. Our client agrees to the advertisement costs associated with this.

Noted and accepted.

6 Internal Road Layout

- 6.1 **There has been significant back and forth with the applicant to establish a working delivery / access strategy. As such, this section will be rewritten for this revision of the application.**
- 6.2 **Access for small delivery vehicles is to be taken internally. The junction has been modified such that it permits small delivery vehicles, but due to a kerb and a vertical obstruction warning drivers of the kerb, larger vehicles will physically be unable to access the site. This is beneficial. Swept paths evidence that this is indeed the case.**
- 6.3 **The internal road layout has been amended several times and now leads to no Roads concerns.**
- 6.4 **Due to the above obstruction, refuse collection vehicles will collect from the North of the site (still called In Town Road). This point will only be used for refuse collection and not deliveries due to the bins being stores at the top of some steps, meaning staff can walk with bags of waste to the bins, but large objects (bins themselves or pallets of goods) will be unable to navigate these stairs. This is acceptable. There is an adequate turning head for refuse vehicles on this section of In Town Road as evidenced by the applicant.**

7 Local Road Network

- 7.1 Given the proximity of an existing McDonalds, and a consented KFC, it is highly likely that there will be an element of shared trips. Additionally, a large percentage of drive-through custom is typically pass-by in nature.

ACC agrees that McDonalds, KFC, and the proposed drive through coffee shop are likely to share trade to a certain extent. Therefore, the parking demand for this location could be less than it would be for a standalone drive through.

Noted and accepted.

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- 9.2 The applicant acknowledges that 2 levels of treatment are required for the road and car parking runoff – this is correct. The two methods proposed are permeable block paving and a Hydro Downstream Defender – can more information on the Downstream Defender be provided?

Downstream Defender information has been provided and is acceptable.

9.3 The applicant should also compare the pollution indices with the hazard mitigation indices in order to evidence that adequate SUDs measures have been provided. This should be incorporated into the DIA.

The updated DIA shows that the pollution mitigation indices are equal to, or greater than, the land use hazard indices. No further concerns.

10 Construction Consent

10.1 The access junction is to be designed to Aberdeen City Council standards. The development will require to be subject to a Section 56 Roads Construction Consent procedure and I would urge the applicant to contact Colin Burnet on 01224 522409 to discuss this matter in further detail.

11 Conclusion

11.1 The only remaining outstanding issue is the staff cycle parking provision which is yet to be evidenced. Once this has been highlighted there will be no further Roads concerns.

Scott Lynch
Senior Engineer
Roads Development Management

Advice : HSL-190829145221-369 DO NOT ADVISE AGAINST

Your Ref: 191277/DPP

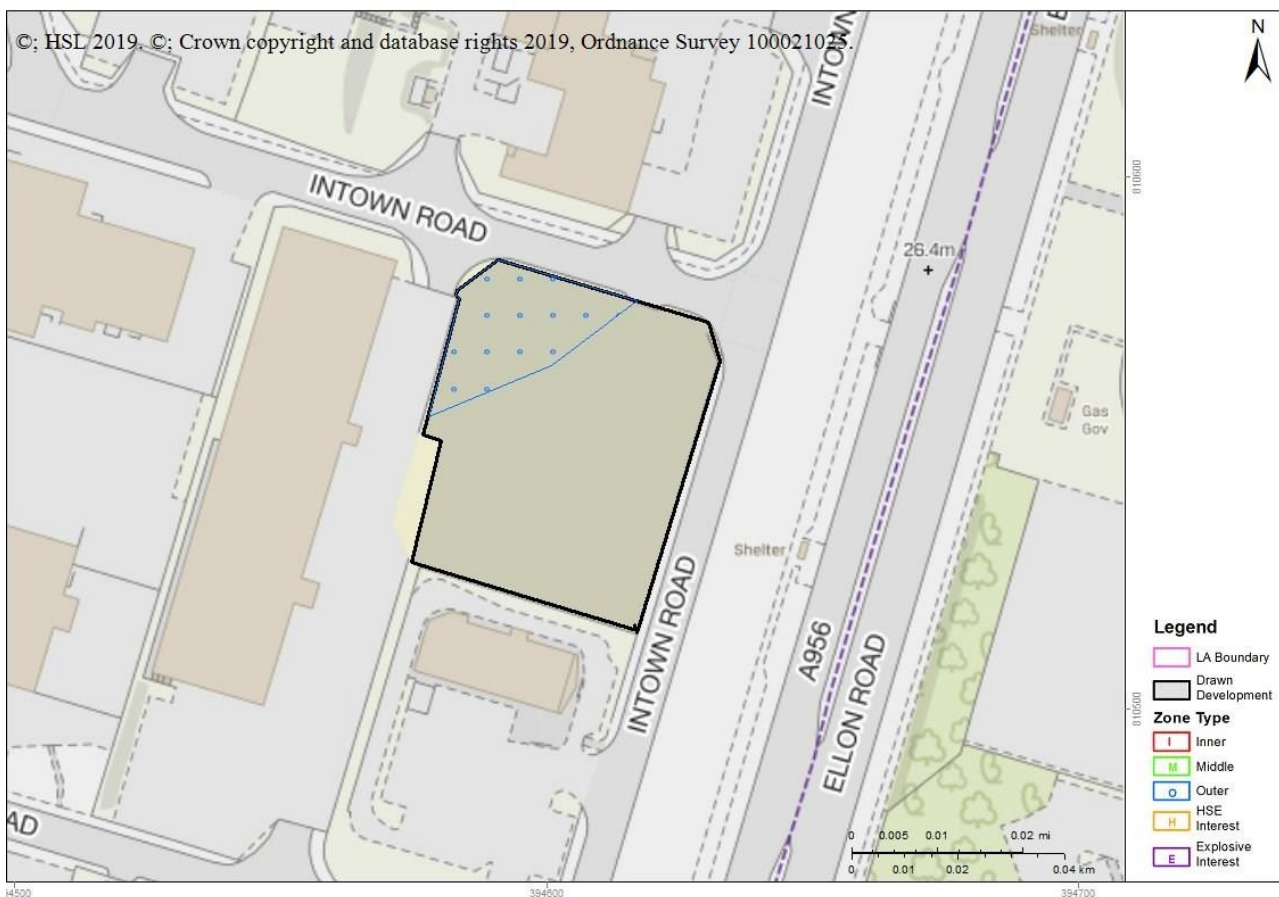
Development Name: Erection of coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping works

Comments:

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Aberdeen City Council.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

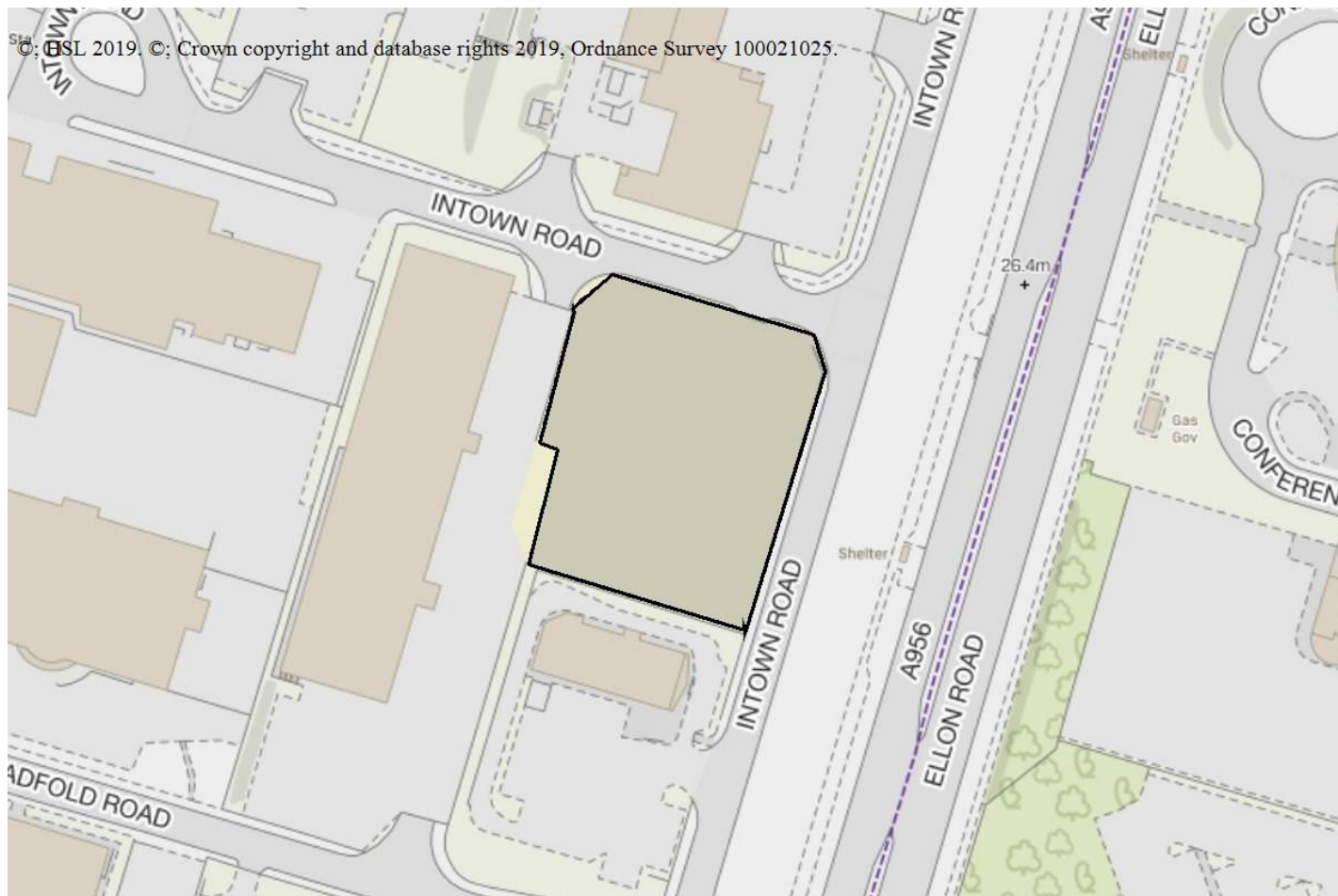


Commercial In Confidence

Breakdown:

Indoor Use By Public DAA

What is the total floor space of the development (that lies partly or wholly within a consultation distance)? Less than 250 square metres



This advice report has been generated using information supplied by Jane Forbes at Aberdeen City Council on 29 August 2019.

Note that any changes in the information concerning this development would require it to be re-submitted.

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From: [GEORGE SAUNDERS](#)
To: [Jane Forbes](#)
Subject: Planning Application 191277/DPP.
Date: 26 August 2019 13:40:53

Good Afternoon Jane

The Bridge of Don Community Council wish to lodge a formal objection in regard to Planning Application 191277/DPP.

We have concerns over safety due to the build up of traffic at the listed junction's:

1. Ellon Road with Broadfold Road
2. Intown Road with Broadfold Road.

As part of a previous application for a fast food outlet on Intown Road(KFC) works were carried out at the junction's to stop the issue of traffic building up and blocking access to Broadfold Road, Intown Road and Ellon Road. Unfortunately at peak times traffic continues to cause problems with vehicles accessing the existing fast food premises.

We have witnessed vehicles blocking the junctions causing traffic to build up.

We are concerned as the Intown Road outlet(KFC) although complete has still to open, yet there are clearly still traffic flow problems that have not been properly addressed.

Once the KFC premises are operational this will only increase the volume of traffic and add to the problems at peak times.

In addition the new application 191277/DPP will, if approved add even more traffic to already busy junctions. Safety is paramount and any back up of traffic could lead to accidents both to vehicles and pedestrians.

We were advised by the applicant that a traffic management plan would form part of the application, however it appears this has not been provided.

Please can you acknowledge receipt of the objection.

Kind Regards

George Saunders(Bridge of Don Community Council)

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From: [GEORGE SAUNDERS](#)
To: [PI](#)
Subject: Objection to Planning Application:191277/DPP
Date: 25 November 2019 10:26:51

Good Morning

Please see below an additional response from the Bridge of Don Community Council in regard to Planning Application :191277/DPP Site 2 Intown Road,Broadfold Road,Aberdeen

Regards

G.Saunders(Bridge of Don,Community Council)

I refer to our previous comments in relation to the above planning application

At the Community Council Meeting on 19th November the application was again subject to discussion and review and the decision was to continue with the objection.

We note the comments from the Council's Roads Section:

"Results contained within Table 2 demonstrate that the junction will continue to operate well within capacity with minimal queue once the coffee new drive thru is in place. A maximum RFC of 26% is expected to occur on the McDonalds Exit arm of the junction with a corresponding queue of 0.3 vehicles during the Saturday afternoon peak. The results highlighted that there is significant spare capacity at the junction to accommodate future demand".

There is concern over the claim that there is significant spare capacity at the junction to accommodate future demand. The conclusions above do not match favourably with actual observations of the junction made in the recent past.

Problems at the junction during peak times have been seen first-hand with traffic backing onto Broadfold Road blocking free movement for vehicles. Vehicles parking on the double yellow lines on Broadfold Road/Intown Road have been seen to cause further issue's. It is therefore difficult to reconcile how this junction with the increased traffic flow from the KFC and Coffee unit can be characterised by the highlighted paragraph above.

Intown Road is a dead end and all traffic will have to access/egress the site at the one junction. Irrespective of the survey findings there are still concerns relating to safety at the junction particularly at peak times.

The traffic survey indicates that figures have been based on 2020 estimations. The Community Council is aware of applications for proposed large scale housing developments near to the location and additionally, further development applications within Aberdeenshire. If these developments are approved traffic flow will invariably increase considerably ,it appears the surveys do not/ can not take this into account.

The McDonald's site was approved by the Council's Planning and Roads section, yet within weeks of operation there were problems at the junction. It would appear that now a lot of the comments relate to McDonalds Overtrading. This would appear to relate to a miscalculation or underestimation of traffic flow, and further, it is not unreasonable to conclude, in particular given first hand assessment of the junction, that the conclusions of the highlighted para, above, are questionable It seems a major mistake was made in approving the site. We therefore want to avoid any similar issues.

On the latest Document submitted by the Pegasus Group Servicing, Travel & Car Park Management Plan it is stated:

"The development site is accessibly located within walking distance of several residential areas and an industrial estate; therefore, it is considered that a number of customers will travel to the site on foot or via other methods of sustainable transport. This therefore implies that the number of customers using vehicles to collect

orders is expected to be low".

Given that these businesses are "Drive Thrus" it is difficult to accept that vehicular traffic will be low. While business during office hours from the immediate close vicinity may take place, residential property is some considerable distance away or finite in volume. A quick assessment indicates there are some 40 houses within a 200m radius

If the Planning and Roads Section can address the concerns, as defined above, and provide an undertaking that the Junction will not cause any problems and that the proposals are indeed safe the Community Council will be willing to review its position.

From:Jane Forbes
Sent:14 Feb 2020 01:35:26
To:JANEF@aberdeencity.gov.uk,
Subject:FW: Objection to Planning Application:191277/DPP
Attachments:

From: GEORGE SAUNDERS <saunders.chris@btinternet.com>
Sent: 07 February 2020 11:13
To: Jane Forbes <JANEF@aberdeencity.gov.uk>
Subject: Re: Objection to Planning Application:191277/DPP

Good Morning Jane

Thank you for the opportunity to review the above application.

I refer to our previous comments in relation to the above planning application, having read through the new documentation nothing changes our comments and the objection remains.

Our observations at the location continue to indicate problems at peak times with vehicles blocking access to Broadfold Road, vehicles parking on the double yellow lines. Intown road, due to parked vehicles along its length is in effect reduced to a single lane. It is difficult to see how this can be deemed safe. Vehicle movement in and out of Intown road is restrictive at best.

The objection remains.

Kind Regards

George Saunders (Bridge of Don Community Council)

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Good Evening Mark

Please see attached photographs which highlight the problems at the junction of Intown Road/Broadfold Road. We wish these to be part of the decision making process. The photographs were taken after the alterations to the junction.

Clearly there are issues at the junction.

It has been a rush to communicate with members and get a response back for today's cut off point.

Kind Regards

George Saunders, on behalf of Bridge of Don Community Council

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National Planning Policy

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

Aberdeen City and Shire Strategic Development Plan (SDP)

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=1111&SID=90>

Aberdeen Local Development Plan (ALDP)

Policy B1 (Business and Industrial Land)

Policy B6 (Pipelines, Major Hazards and Explosive Storage Sites)

Policy D1 (Quality Placemaking by Design)

Policy T2 (Managing the Transport Impact of Development)

Policy T3 (Sustainable and Active Travel)

Policy NC4 (Sequential Approach and Impact)

Policy NC5 (Out of Centre Proposals)

Policy R6 (Waste Management Requirements for New Development)

Policy NE6 (Flooding, Drainage & Water Quality)

Supplementary Guidance

Transport and Accessibility

<https://www.aberdeencity.gov.uk/sites/default/files/5.1.PolicySG.TransportAccessibility.pdf>

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North 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 100167895-004

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:	
Last Name: *	Planning	Building Number:	8
Telephone Number: *	01224 388700	Address 1 (Street): *	Victoria Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 1XB
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="c/o agent"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="c/o agent"/>
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="c/o agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="c/o agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="planning@hfm.co.uk"/>		

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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="810551"/>	Easting	<input type="text" value="394600"/>
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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 coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping works

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 supporting 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 including Marketing Evidence, Report of Handling, Roads Development Management Response

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

191277/DPP

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

16/08/2019

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

05/03/2020

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: . Halliday Fraser Munro Planning

Declaration Date: 18/03/2020

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HALLIDAY FRASER MUNRO
CHARTERED ARCHITECTS & PLANNING CONSULTANTS

APPEAL TO ABERDEEN CITY COUNCIL LOCAL REVIEW BODY

PLANNING APPEAL STATEMENT

191277/DPP

Erection of Coffee Shop with 'drive-thru' (sui generis) and associated infrastructure
and landscaping works.

At

Site 2, Intown Road, Bridge of Don.

For

Kemble Estates Ltd.

March 2020



HALLIDAY FRASER MUNRO
CHARTERED ARCHITECTS & PLANNING CONSULTANTS

**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: 191277)

BY

ABERDEEN CITY COUNCIL

FOR

THE ERECTION OF A COFFEE SHOP UNIT

AT

SITE 2, BROADFOLD ROAD, ABERDEEN

ON BEHALF OF

KEMBLE ESTATES LTD



Contents

1. Introduction
2. Development Proposal
3. Surrounding Area
4. Planning History
5. Planning Policy and Reasons for Refusal
6. Other Considerations
7. Conclusion

APPENDIX 1 – List of Documents

Document DOC 1 – Marketing Material (Appendix 3 of Planning Statement)

Document DOC 2 – Report of Handling

Document DOC 3 - R



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 191277, at Broadfold Road, Aberdeen. We are appealing the refusal on the following basis:

- The proposal is for a coffee shop with an associated drive-thru element. There are no other comparable facilities in the vicinity. The neighbouring uses include a burger restaurant and a fried chicken restaurant but these are considered a completely different offer;
- The site is too small to be viable for employment uses. It is the second half of a previously-used semi-retail car showroom development. The first half of the site was approved for a KFC restaurant and drive-thru in November 2017 and is now built, but is not yet operational;
- The site has been marketed with no interest for business use;
- The local road network has been improved to cater for this proposed development and the Council's Roads officers consider those improvements acceptable;
- It is located at the edge of the Bridge of Don Industrial Park and will provide new sit-in and takeaway coffee and sandwich provision that will support existing businesses and help promote the take-up of the remaining vacant land in the neighbouring industrial park;
- A reasonable spread of such facilities in Aberdeen offer those seeking coffee/sandwiches an opportunity to access those without the need to travel extensively. They operate more like a locally convenience facility than a destination; and
- Similar developments have been approved, including the site immediately adjacent, across the City in similar B1 policy areas and recognised for the benefits that they bring to employment areas.

These are detailed in the following statement.

1.2 The application was subject to informal Pre-Application Advice from Aberdeen City Council during January 2018. Advice was requested due to the site's location within a 'B1: Business & Industrial Land' within the Aberdeen Local Development Plan (2017). Advice at that time was that the proposals would be contrary to Policy B1, and evidence of the application site in question being suitably marketed within a 12 month period of the application being submitted would be required plus a suitably detailed assessment of traffic impact. It also noted that the neighbouring site had also considered these issues and had been deemed to be acceptable and subsequently approved (delegated approval). A follow-up telephone conversation (2nd February 2018) with the case officer confirmed that the key considerations were proof that the smaller site has been marketed for some time with no interest for employment/business use and that the road junction works for both units. That conversation did not mention policies NC4 and NC5.



- 1.3 A planning statement providing justification for the proposed development, including marketing information was lodged with the application as requested. Scoping discussions were undertaken with Aberdeen City Council's Roads Project Team and subsequent correspondence was submitted detailing the necessary parameters for undertaking this Transport Statement. ACC confirmed that due to the scale of the proposals a Transport Statement would be sufficient to support the proposals, which was lodged with the application.
- 1.4 The planning application was submitted on 16 August 2019, and was determined on 5 March 2020, almost 7 months later. On the 12th September, Aberdeen City Council's Roads Project Team requested a traffic survey to "establish empirical data on the junction's capacity". This additional information required a traffic survey to be undertaken, and therefore an extension to the determination deadline was agreed with the Case Officer on 10 October 2019 to extend the determination period to 29 November 2019.
- 1.5 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 strongly believe that the policies in this case do allow for the type of development being proposed. Of significant materiality is the other half of this site which was approved under delegated powers and under the same policies. We request that Members of the Local Review Body examine those material considerations in light of the information provided.
- 1.6 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).
- 1.7 The application has been refused, under delegated powers on the following grounds:
 - Failure to comply with policy B1 as it does not constitute a business or industrial use that could be considered ancillary to other uses within the surrounding business park. The proposed development would clearly aim to serve a customer base from a far wider area than just the surrounding businesses.
 - Failure to comply with policy NC4 and NC5 in that it has not been demonstrated that any consideration has been given to locating the proposed development at an alternative site within a designated centre. There is no proven deficiency of the kind of development proposed. The proposal is considered to be in direct competition with designated centres and has the potential to affect the vitality/ viability of such centres.



- Does not fully address the expectations of Policy T2 as it would exacerbate existing traffic congestion in the vicinity of the site. It is noted that there are traffic flow problems around the Ellon Road / Broadfold Road / Intown Road Junction despite waiting restrictions being put in place.
- There are no other material considerations which outweigh the above, or justify the approval of the application.

1.8 These reasons for refusal will be addressed in detail in Section 5 below. We do not consider these reasons for refusal are substantiated by evidence and believe there are compelling reasons for the refusal to be overturned through the appeal process.

1.9 We would also like to point out that the applicant, Kemble Estates, has made a significant investment in this site over the past 10 years, and has recently invested significantly in traffic improvements to improve the Ellon Road / Broadfold Road junction. This involved purchasing land from Aberdeen City Council to widen the junction.

2. Development Proposal

2.1. Application 191277 sought full planning permission for the erection of a coffee shop with associated drive-thru, landscaping and infrastructure at Site 2, Intown Road, Bridge of Don (see fig 1). This is the remaining half of a larger site previously used for non-industrial use as a car showroom/dealer. The adjacent half of the site has already been developed for a fast food drive-thru restaurant.

2.2. The intended operator of the unit is Starbucks. Starbucks typically sells food and drink for consumption on the premises, falling into the Class 3 (Food and Drink) Use. However, Starbucks also have a 'retail' element to their business model by which food, drink and merchandise are purchased and not consumed on premises, therefore a Class 1 element has been included in the description to account for this (Class 1/3 mix). This is consistent with other recently approved units around Scotland. Furthermore, incorporating the 'drive-thru' element also requires (Sui-Generis) to be included. The retail use is ancillary to the class 3 coffee shop.

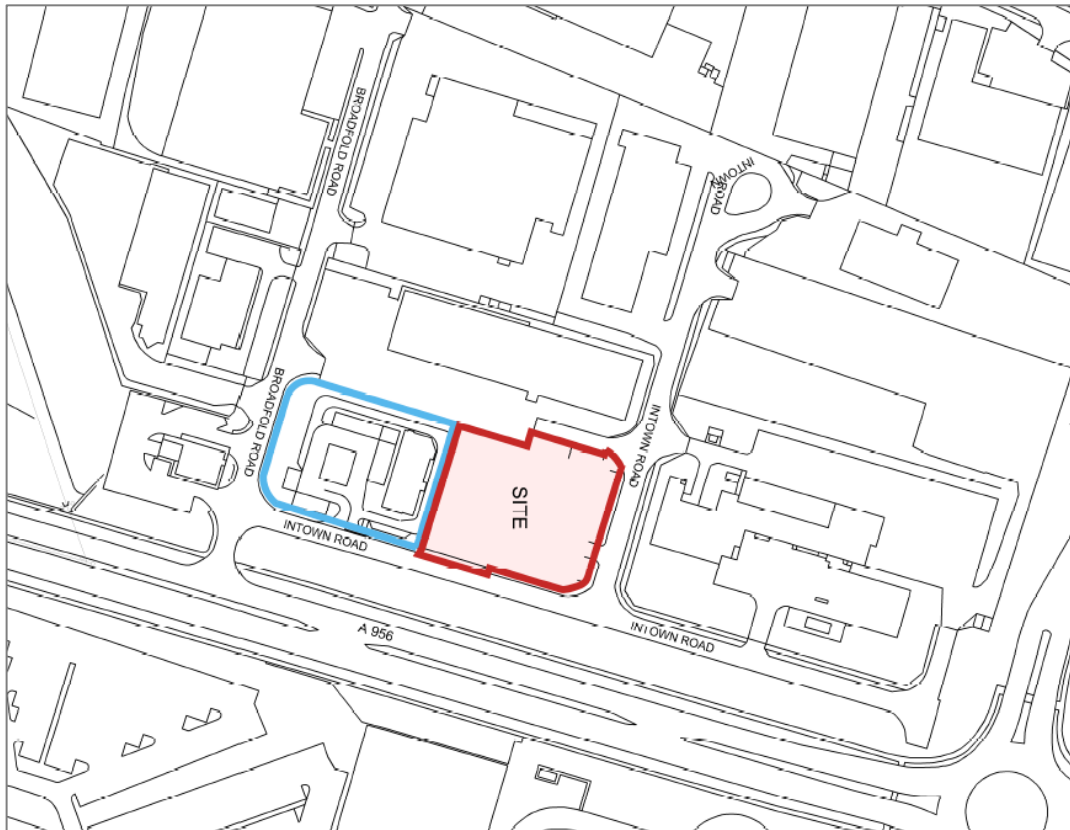


Figure 1: Site Location

- 2.3. The proposed unit will have associated landscaping, a drive-through lane, outdoor seating, car parking and drive-through waiting bays (Fig 2). The restaurant has a Gross Floor Area of 190 sqm (excluding Plant Area) typical of a drive-through fast-food facility of this kind. Twenty-two car parking spaces are provided, with three of these designated for disabled parking. There are 2 motorcycle spaces, and 10 cycle spaces. Electric charging points (passive) are also included, in line with Aberdeen City Council's Transport Guidance. These parking arrangements demonstrate the clear inclusion of the sit-in nature of the proposal.
- 2.4. Landscaping arrangements propose additional planting that is in-keeping with the surroundings. The landscaping will also reflect the approved landscaping for the adjacent fast food outlet. A landscape plan has been prepared by Ian White Associates, and was submitted in support of the application.
- 2.5. The servicing of the proposed coffee shop was the subject of discussion through the planning application. A revised Service and Management Plan was submitted in January 2020 which confirms that the site will only be serviced by vehicles less than 8 metres in length. This ensures the car park can function without any impact from servicing vehicles. The waste collection store is to the eastern boundary along Intown Road, and the refuse vehicle would collect waste from this location, and utilise the turning circle on Intown Road. The site can therefore be satisfactorily serviced.



- 2.6. Consistent with many contemporary drive-thru coffee shops, the application seeks permission to open 24 hours a day. This provides support and amenities for the neighbouring businesses throughout the day, early in the morning, into the evening and overnight.

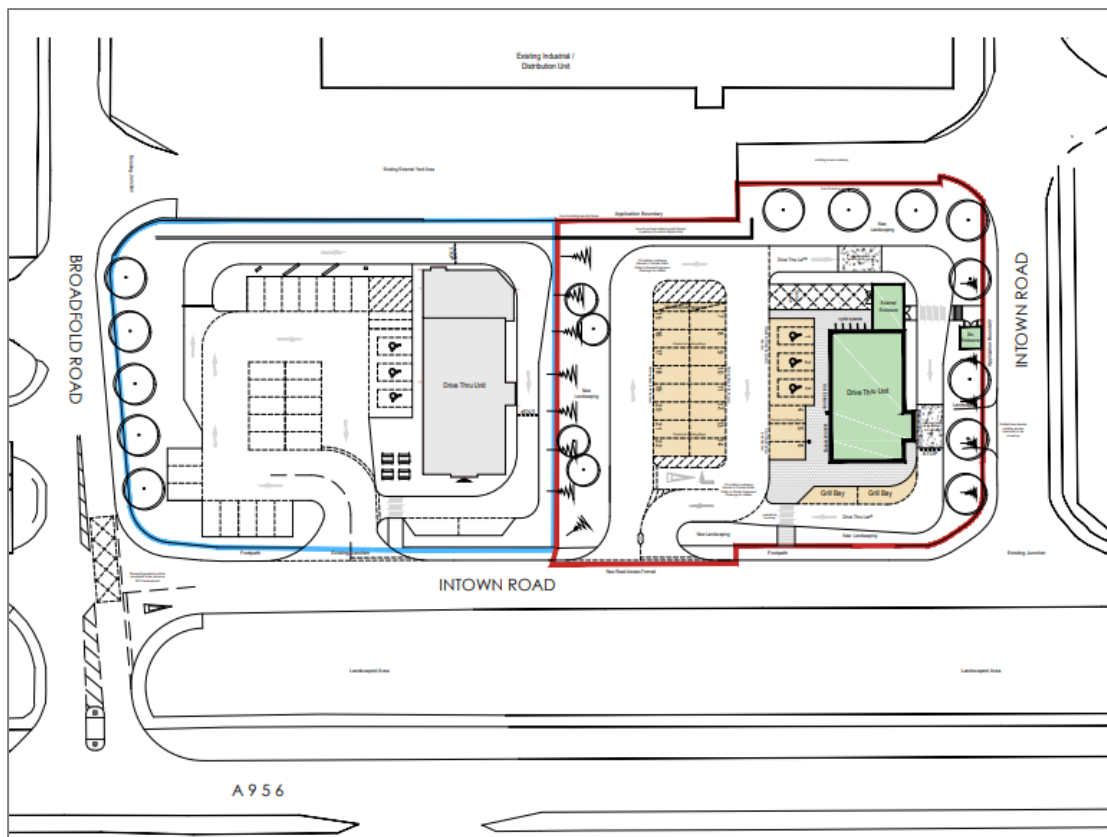


Figure 2: Site Plan

3. Surrounding Area

- 3.1. The site is located in Bridge of Don to the north of Aberdeen City. The site is bound to the north and east by Intown Road, to the west by an existing industrial premises and to the south by a KFC fast food outlet (not yet operational). To the east of the site, beyond Intown Road is the A956 dual carriageway, which was recently de-trunked following completion of the AWPR. The A956 remains a strategic road linking Aberdeen with settlements to the north such as Ellon and Peterhead.
- 3.2. The site is surrounded by a mix of land uses (see figure 3) with food and drink and leisure uses in addition to business and industrial land. There is also a large residential



population within walking distance of the site and linked directly by a formal path leading from Gordon Road, to Cloverhill Road and onto Broadfold Road.



Figure 3: Surrounding Land Uses

4. Planning History

- 4.1 The site was granted permission for demolition of the car showroom and workshop, and the erection of industrial/commercial unit with car park and yard area on 27th July 2012 (planning reference: 120633). The site has now been cleared, however, development of the proposed industrial / commercial unit has not come forward due to lack of market demand. This is discussed further in section 5 of this report. The site to the immediate south was granted consent for a fast food restaurant on 14 November 2017. This unit is constructed but awaiting fit out by the occupier.



4.2 The planning history on the adjacent site is relevant to this appeal. The LRB reviewed an application on the adjacent site (reference 160623) in 2017 and were of the view that the length of time the site had been marketed prior to that, and the availability of employment land would outweigh the policy (B1) requirements. *The LRB said “ ... the proposed development would fail to comply with the requirements of Policy B1 (Business and Industrial Land) of the Aberdeen Local Development Plan 2017 in as far as it does not constitute a business or industrial use or a use that would primarily meet the needs of businesses and employees of the surrounding business and industrial areas, but would be serving a customer base from across a far wider catchment area. **However, there are material considerations, namely the length of time over which the site has been marketed and the availability of industrial / employment land, that would outweigh the policy**”.* This resulted in a subsequent application on the site, (reference 170789) being supported by the Planning Service as delegated decision. The delegated report indicated:

“It is worth noting that the site formerly formed part of a larger plot operated as a car showroom/ garage, and therefore **outwith Classes 4, 5 or 6**, prior to consent being granted in 2015 for the demolition of the buildings and for the erection of an industrial/commercial unit with yard and associated parking” and , in its evaluation:

“... following a recent decision by the Local Review Body on such development, where all contributing factors relative to this site were taken into account, it was found that there were **sufficient material considerations which would outweigh such non-compliance** with the provisions of the development plan; more **specifically the length of time during which the site had been marketed and the current level of availability of industrial/employment land**.

Although the proposed development would serve a wider customer base than that of the surrounding business and industrial area, it is **recognised that the site is located adjacent to one of the main thoroughfares in/out of the city, and is relatively easily accessed, including by public transport, cyclists and pedestrians**, thus according with Policy T3 (Sustainable and Active Travel) of the Aberdeen City Local Development Plan. Whilst the proposed development, by its very nature, would generate additional traffic, the potential for this proposal exacerbating existing traffic congestion in the vicinity of the site will be suitably addressed through the delivery of junction layout/ road improvements, thus ensuring sufficient compliance with Policy T2 (Managing the Transport Impact of Development).

Taking all of the above into account, the proposal is considered to be an acceptable departure from Policy BI1 (Business and Industrial Land) of the Aberdeen City Local Development Plan, with sufficient material consideration to justify such departure.”



We see no reason why this current proposal should not be approved in a consistent manner as the circumstances and the policy provisions are exactly the same.



Figure 4: Site Photograph

5. Planning Policy and Reasons for Refusal

- 5.1 The decision notice lists three main reasons for refusal. These are discussed in turn below.

Policy B1 Business and Industrial Land

- 5.2 The Officer's Report of Handling (see DOC 2) notes that due to a range of factors including; the drive-thru nature of the proposal; the location of the site with direct access from the A956; the strategic and elevated position of the site resulting from its prominence from the A956; and the maximum standard of car parking provision; is such that the proposed development would result in a use primarily servicing and attracting passing trade. Whilst we agree the proposed use will attract an element of passing trade this is not the whole story (and indeed was accepted for the neighbouring consent). The Officers report has placed undue weight on a range of circumstantial factors. The officer also suggests that two existing fast food restaurants already serve the needs of business and employment within the Bridge of Don Industrial Estate. We would refute this point. Business meetings are commonly conducted in coffee shops rather than McDonalds and KFC which are lunchtime/evening meal type establishments. Coffee shop based facilities with drive-thru's tend to spread their offering throughout the whole day. The proposed coffee shop would offer a beneficial addition to the business park, and complement the existing fast food offering. We are also of the view that a business park with a national coffee shop of this nature will be more attractive and marketable than one without. It could therefore have a knock-on effect of supporting the take-up of other existing vacant space on the Bridge of Don Industrial Estate. It is therefore compliant with policy B1 in that it is a facility which would directly support the industrial use and



enhance the attraction and sustainability of the industrial park (see figure 5 below). Note that the policy provisions do not exclusively require this type of use to meet the needs

*“Facilities that **directly 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.”*

of the businesses and employees in the area. As in every other coffee shop/drive-thru in the City others will also make use of it where it’s convenient.

Figure 5: Extract from policy B1

- 5.3 The site is currently vacant and with no interest in any business or industrial uses, it is likely to remain this way if this application is not approved. As the officer notes, it is a prominent site, visible from the A956, and we would suggest that a vacant site in this location further devalues the Industrial Estate by presenting a vacant frontage to the road. The site extends to 0.28ha, very similar in scale to the Costa site size on Abbotswell Road where the planning officers, in approving that development, accepted that “That the proposal to erect a coffee shop including a drive-thru takeaway, on a brownfield site which has been vacant for a considerable period of time, is considered to complement the existing range of uses within the area. The likelihood of this small corner site being reoccupied for mainstream business uses or being financially viable for a new office development is unlikely.” This is therefore a scale of site which is recognised as being unsuitable for the vast majority of business or industrial occupiers. Given the level of marketing undertaken to date (see DOC 1), we see no reason to believe that the site will come forward for class 4, 5 or 6 uses. We would also draw your attention to Section 5 of the supporting Planning Statement which outlines that there is over 300 hectares of established employment land within Aberdeen City, and also that there is an oversupply of business and employment uses. At the time the Planning Statement was written (summer 2019) there were four vacant units within the Bridge of Don Industrial Estate, totalling over 74,000 square feet of floor space. A recent search of vacant property shows there at least 6 vacant units in Bridge of Don Industrial Park, with a combined floor area of over 90,000 square feet. None of the vacant units have been occupied in the 6 month intervening period. We would therefore suggest that there is substantial evidence to suggest that the site is not required for employment uses.
- 5.4 The approval for the adjacent site (for a KFC fast food restaurant – initial acceptance of material considerations at LRB followed by a delegated grant) found that the availability of employment land, and the length of marketing of the site were material considerations. This is also substantially also relevant to this appeal. Planning decisions should be about consistency and the consistent decision in this case should be an approval along the same lines as the neighbouring site.
- 5.5 The Report of Handling (see DOC 2) suggests that the development ‘will attract a customer base from a far wider area than that of the Bridge of Don Industrial Park’. We do not believe that the attraction of passing trade into the industrial park is necessarily of concern. The site’s location adjacent to the A956 means that it is an accessible site,



and in addition to offering a facility for the industry park users, can also offer a facility for passing trade. The Roads Development Officer has noted that there are likely to be shared trips given that there are already two fast food units in this location. Traffic issues are considered further under 5.12.

Policies NC4 and NC5 – Sequential Test

- 5.6 Policies NC4 and NC5 sit within 'The Network of Centres' section of the LDP. This section primarily focusses on the importance of the city centre and 'significant footfall generating uses appropriate to town centres'. The Report of Handling (see DOC 2) suggests that the Supporting Planning Statement refers to Scottish Planning Policy's 'town centre first' policy, and implies that the applicant therefore recognises the proposed use as one which is a significant footfall generating use. **We disagree with that assertion.** The proposed coffee shop is **not** a significant footfall generating use, but given that the proposal includes ancillary class 1 (selling cups, bagged coffee, and cold sandwiches and the like) we recognise that cognisance needs to be given the SPP requirement to consider to protect town centres. We do not therefore believe that policy NC4 (Sequential Approach and Impact) is applicable to the proposed small-scale coffee shop with a limited element of ancillary retail.
- 5.7 The report of handling (see DOC 2) also makes comparisons with the adjacent McDonalds in relation to the fast food unit becoming busy at peak times with vehicles queuing onto the road. Comparisons with fast food units in general and specifically with the adjacent McDonalds unit are not appropriate. The drive-thru coffee shop should not be compared to a fast food unit, as they offer a different service and generally spread throughout the day.
- 5.8 Despite the sequential test being suggested as a reason for refusal the applicant was never asked to carry out a sequential assessment of alternative sites for this proposal during the application process. This reason for refusal is therefore surprising and potentially unfair as it has not formed part of the application or discussions to date. However, we would note that the closest neighbourhood centre to the proposal is at Scotstown. There are no vacant units which could accommodate this development.
- 5.9 In any case, the proposed coffee shop is located within the Bridge of Don Industrial Park to serve the needs of the park with some passing trade. Also, given the drive-thru nature of the proposals, it requires vehicle access, which is not necessarily available within vacant units or sites in neighbourhood centres.
- 5.10 Policy NC5 – Out of Centre Proposals will support significant footfall generating development outwith designated centres where it meets a number of criteria. As discussed above, we do not believe the proposed development is considered to generate a significant footfall and therefore policy NC5 is not a valid reason for refusal. However, we have considered the proposed development against these criteria in figure 6 below:



Policy NC5 criteria	Comments
<i>i) there is no other suitable site available or expected to become available</i>	There are no existing vacant sites or units in the nearest neighbourhood centre at Scotstown.
<i>ii) there will be no adverse effect on the vitality or viability of any listed centre</i>	The proposed use is considered to serve the industrial park primarily, and passing trade. It is not therefore expected to draw trade from existing centres. In any case, there are no comparable uses in the nearest neighbourhood centre at Scotstown. The district centre at Middleton Park is 2.5km from the site and does not have a coffee shop or café. The proposed development is therefore not likely to affect the vitality or viability of these centres.
<i>iii) there is a quantitative or qualitative deficiency in the kind of development proposed</i>	The coffee shop unit will provide an additional facility for use by the industrial park which will enhance its attractiveness. There are no existing coffee shops within the industrial park, and the majority of the park is over 400m to the Scotstown neighbourhood centre, which doesn't offer this type of facility.
<i>iv) the development would be easily and safely accessible by a choice and means of transport</i>	<p>The proposal is highly accessible on foot, with a large employment area, and also residential development adjacent to the site. The Proposed Aberdeen Local Development Plan 2022 proposes additional mixed use development opposite the site (site OP12 and OP13), totalling over 1000 units. This change in character of the area also needs to be considered.</p> <p>The adjacent site was approved on the basis that it was "...located adjacent to one of the main thoroughfares in/out of the city, and is relatively easily accessed, including by public transport, cyclists and pedestrians, thus according with Policy T3 (Sustainable and Active Travel) of the Aberdeen City Local Development Plan". Nothing has changed and this proposal should be considered consistently.</p>
<i>v) the development would have no significant adverse effect on travel patterns and air pollution.</i>	Given the site has good accessibility by pedestrian and cycling routes, is located adjacent to a bus stop which is well served by regular buses, it is not envisaged to have an adverse effect on travel patterns. The drive-thru element of the proposal is envisaged to largely attract passing trade, so vehicles will not specifically making a journey to use this facility.

Figure 6: Policy NC5 Criteria



- 5.11 In summary, the proposed development is not suitable for a town centre location, it has a locational need to be adjacent to the industrial park, and in any case would have no impact on the vitality or viability of town centres. We do not believe that NC4 or NC5 are valid reasons for refusal.

Policy T2 – Managing the Transport Impact of Development

- 5.12 Policy T2 requires that new development must demonstrate sufficient measures have been taken to minimise traffic generated and maximise opportunities for sustainable and active travel. There has been extensive discussion with the Roads Development Management Service in relation to this application. The applicant has undertaken updated traffic surveys, and the roads service agree that there is capacity at the junction. However, the Planning Officers report notes that during site visits they “noticed” traffic flow problems at the Ellon Road/Broadfold Road/Intown Road junction. The issues with traffic queuing onto the road relate to the existing McDonalds, and are an existing operational issue unrelated to this site. Our client has at their own expense installed junction improvements (see figure 7) and funded Traffic Regulation Orders (TRO) to alleviate these problems. If the customers of McDonalds are ignoring these requirements, it is not the fault of the applicant. Furthermore, the Roads Service agree that the opening of an additional unit will help to alleviate the issue, with there being an element of shared trips. In their final consultation response (see DOC 3) at Section 7.4 they say “I noted that the applicant undertook the request for further analysis and has **successfully shown that the junction will operate well within capacity.** This assumes that the TRO to be complied with by KFC will remove McDonalds customers parked on Broadfold Road as there will be double yellow lines installed here. **This is a reasonable assumption**”. The Council Roads team therefore have no objection on traffic flow or the new junction arrangements. The site is also well served by public transport, and by pedestrian and cycle routes. This is acknowledged by both the planning officer and the Roads Service. We therefore do not agree that the proposal is contrary to policy T2, and suggest strongly that it meets the requirements of the policy as per the approval for the adjacent site.

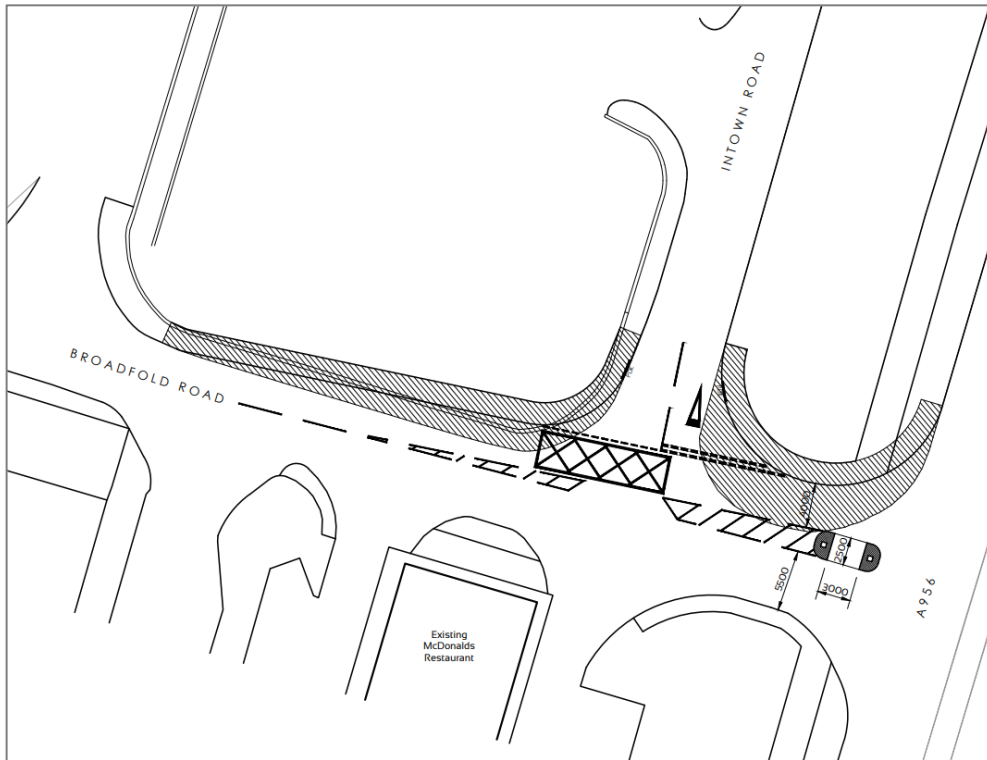


Figure 7: Junction improvements carried out by the applicant (Note: hatched area identifies road widening)

6. Other Considerations

Recent Planning Decisions on Drive-thru Restaurants / Coffee Shops in Aberdeen

- 6.1 There are a number of drive-thru coffee shops and fast food units which have been approved on business land in the city over the last few years and under the same policy provisions. These are material to the consideration of this appeal, as they illustrate how the Planning Authority has applied the policies now being used as reasons for refusal in this particular appeal. Figure 8 below outlines these:

Planning Reference and Description	Reason for Decision (extract from Decision Notices / Report of Handing)
160067 Drive-through coffee-shop at Makro, Altens Industrial Estate. Approved by Development Management Committee, April 2016 (officer recommendation for approval)	<p><i>“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”.</i></p> <p>The decision in this instance therefore had no issue with sharing local and passing trade and given the limited scale of employment uses surrounding this when compared to Intown Road the opportunity to support local business was less.</p>



<p>161680</p> <p>Drive-thru Coffee Shop, Anchor House, Abbotswell Road, West Tullos Industrial Estate</p> <p>Approved by Delegated Powers.</p>	<p><i>“That the proposal to erect a coffee shop including a drive-thru takeaway, on a brownfield site which has been vacant for a considerable period of time, is considered to complement the existing range of uses within the area. The likelihood of this small corner site being reoccupied for mainstream business uses or being financially viable for a new office development is unlikely. Furthermore the proposed use would largely serve the immediate surrounding area thus demonstrating an element of compliance with the policy covering business and industrial areas. As such, based on the aforementioned collective factors, the proposal is considered to be an acceptable departure to Policy BI1 Business and Industrial Land of the Adopted Local Development Plan.</i></p> <p><i>Furthermore, in relation to policy NC5 relating to out of centre retail development the proposal would not have a detrimental impact on the vitality and viability of existing shopping centres/locations in the Hierarchy of Retail Centres, nor is there any envisaged detriment from the transportation perspective and the associated policy T2 of the Local Development Plan.”</i></p> <p>Given the very similar scale of this and the appeal site (0.26Ha and 0.28Ha) the same evaluation should apply.</p>
<p>170789</p> <p>Drive thru restaurant, Broadfold Road, Bridge of Don.</p> <p>This is the adjacent site to the appeal site.</p> <p>Approved by Delegated Powers.</p>	<p><i>“.. following a recent decision by the Local Review Body on such development, where all contributing factors relative to this site were taken into account, it was found that there were sufficient material considerations which would outweigh such non-compliance with the provisions of the development plan; more specifically the length of time during which the site had been marketed and the current level of availability of industrial/employment land.</i></p> <p><i>Although the proposed development would serve a wider customer base than that of the surrounding business and industrial area, it is recognised that the site is located adjacent to one of the main thoroughfares in/out of the city, and is relatively easily accessed, including by public transport, cyclists and pedestrians, thus according with Policy T3 (Sustainable and Active Travel) of the Aberdeen City Local Development Plan.</i></p> <p><i>Whilst the proposed development, by its very nature, would generate additional traffic, the potential for this proposal exacerbating existing traffic congestion in the vicinity of the site will be suitably addressed through the delivery of junction layout/ road improvements, thus ensuring sufficient compliance with Policy T2 (Managing the Transport Impact of Development).</i></p> <p>This is essentially the same type of site, in the same general location (immediately next door in fact), with all of the same circumstances. The junction improvements for this development have improved the safety and capacity of the junction.</p>
<p>181336</p> <p>Three Restaurant’s (two drive-thru) at Ardene</p>	<p><i>“It was considered that the proposed development complies with Policy B2 (Specialist Employment Areas) as it would service the nearby Prime Four Business Park employees. The proposed development also complies with Policies D1 (Quality Placemaking by Design), R6 (Waste Management Requirements for New</i></p>



<p>Veterinary Practice, Kingswells.</p> <p>Approved by Development Management Committee (officer recommendation for refusal)</p>	<p><i>Developments) and NE6 (Flooding, Drainage and Water Quality). The proposed development would also have a positive economic impact on the city and surrounding areas and would add to the limited local amenities for residents, outweighing adopted policy on the location of such uses.”</i></p>
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Figure 8: Comparable planning approvals

- 6.2 Other relevant decisions which relate to the re-use of allocated business land was appeal reference PPA-100-2070 at 34-40 Abbotswell Road, in which the Reporter concluded that the employment allocation was not regarded as ‘strategically important’ for the delivery of business/industrial units. Furthermore, the ‘proximity of adjacent land uses’ was a contributing factor, whereby the proposed use was ‘inherently more compatible’ with the surrounding uses. It was also concluded that the proposed departure from Policy **would not** ‘have any bearing on the deliverability of the long term strategy of the adopted LDP’.
- 6.3 Application reference 161701 for affordable dwellings was approved on allocated business and industrial land at St Machar Industrial Estate. The Officers report recognised that there “is generally low demand for industrial premises”.
- 6.4 This is therefore sufficient evidence to prove that similar development is occurring in similar locations elsewhere in the City and that the City Council is approving small-scale development of this type in existing employment areas. **The delegated refusal in this instance then seems to be out of line with recent planning decisions and recommendations being taken by the Planning Authority.**

Changing Character of the Area

- 6.5 The Proposed LDP allocates two large mixed use/residential developments in close proximity to this site at OP12 (Silverburn House) and OP13 (former AECC). These will change the character of the area, and result in additional walking catchment for the proposed coffee shop.

7. Conclusion

- 7.1. The above statement demonstrates that there are significant over-riding reasons as to why the proposed development should be permitted at appeal.
- 7.2. The proposal does not strictly comply with policy B1, but we would contend that the proposal does serve a function which is ancillary to the industrial park. In any case, there are a number of material considerations which outweigh this policy; namely:



- There is a substantial level of available office, industrial and warehouse floor space vacant in the industrial park
- Take up of business and industrial floor space is continuing to slow
- Aberdeen city has a substantial employment land supply of over 300ha
- This site at 0.28ha makes up an insignificant proportion of employment land and would not impact on the overall supply or employment land strategy.
- The site will become a vacant eyesore if left undeveloped, the proposal would bring jobs and economic benefit to the area
- The proposal is for a coffee shop with an associated drive-thru element. There are no other comparable facilities in the vicinity. The neighbouring uses include a burger restaurant and a fried chicken restaurant but these are considered a completely different offer;
- The site is too small to be viable for employment uses. It is the second half of a previously-used semi-retail car showroom development. The first half of the site was approved for a KFC restaurant and drive-thru in 2017 and is now built and about to open;
- The site has been marketed since 2012 with no interest for business use;
- The local road network has been improved to cater for this proposed development and the Council's Roads officers consider those improvements acceptable;
- It is located at the edge of the Bridge of Don Industrial Park and will provide new sit-in and takeaway coffee and sandwich provision that will support existing businesses and help promote the take-up of the remaining vacant land in the neighbouring industrial park;
- A reasonable spread of such facilities in Aberdeen offer those seeking coffee/sandwiches an opportunity to access those without the need to travel extensively. They operate more like a locally convenient facility than a destination; and
- Similar developments have been approved, including the site immediately adjacent, across the City in similar B1 policy areas and recognised for the benefits that they bring to these areas.

7.3 In relation to policy NC4 and NC5, no request for a review of alternative sites was made to the applicant by the Planning Authority. We do not believe the scale of the proposal is such that it justifies a full sequential analysis in any case. There are also no alternative sites suitable for this proposal in the nearest local centre. Given that the proposed development would serve adjacent businesses, and passing trade, it would not affect the vitality or viability of existing centres.

7.4 Aberdeen City Council's Roads Development Management Team are satisfied that the proposed development results in no adverse traffic impact. Additional survey work was undertaken, at the request of the service, which demonstrated there is capacity within the junction. The applicant has already made significant investment in improving the junction by widening the road and introducing new waiting restrictions. It is acknowledged by the Council's Roads Officers that the proposed KFC, and an additional coffee shop would help to reduce the over-trading of the McDonalds, result in shared trips, increase choice of food venue and reduce the existing issue from the McDonalds



related traffic. We therefore fail to see how the planning officer has come to an alternative conclusion in relation to traffic impact.

- 7.5 The Planning Service acknowledge that the proposal is compliant with policies D1, R6, and NE6 but are of the view that there are no other material considerations which warrant its departure from policy B1, NC4, NC5 and T2. We disagree with this view. There are material reasons as outlined above, which have not been fully taken into account. The most significant of these is the approval on the adjacent site (considered under planning reference 170789). We see no reason why the Planning Authority would come to a different view for a site with almost exactly the same context and circumstances.
- 7.6 This proposed development offers the potential to bring investment and economic benefit to the industrial park, utilising a vacant brownfield site, in a prominent location. The proposed use will enhance the existing industrial park, and enhance the existing fast food offering, which is already attracting passing trade. We respectfully request that the Local Review Body support this application and uphold this appeal.



Document DOC 1 Marketing Evidence

Marketing Material 2018/2019:



To Let

www.halliday-co.com

Potential for alternative uses/redevelopment subject to planning

Broadfold Road, Bridge of Don, Aberdeen AB23 8EE



Broadfold Road
Bridge of Don
Aberdeen AB23 8EE

MARK HALLIDAY & COMPANY
COMMERCIAL PROPERTY CONSULTANTS

Further information & viewing contact:

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Managing Director

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Commercial Property Consultants
The Silver Fin Building
455 Union Street
Aberdeen AB11 6DB

t: +44 (0)1224 060340
m: +44 (0)7872 181271
e: mark.halliday@halliday-co.com
w: www.halliday-co.com



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

PLANNING

The site is thought suitable for redevelopment for a variety of uses subject to planning permission. Interested parties, as part of their due diligence process, should contact the relevant authorities regarding appropriateness of their proposed redevelopment use as a matter of importance.

TERMS

Our clients are prepared to discuss terms dependent upon proposed use. Offers are invited.

CLOSING DATE

Our client reserves the right to set a closing date should they wish. Details in this regard can be provided by the sole selling agent.

Parties should formally note their interest in the first instance via their appointed solicitor. All parties noting formal interests via their solicitor will be informed of any potential closing date and procedures in due course.

VIEWINGS & OFFERS

Any parties looking to view, note an interest or offer for the site should do so in the first instance via the sole selling agent.

VAT

All prices quoted may be exclusive of VAT at the standard rate at the time of sale.

LEGAL COSTS

Each party will be responsible for their own legal costs incurred in the transaction. The incoming tenant will be responsible for any Land and Building Transaction Tax, registration dues and VAT in the normal manner.

DESCRIPTION

The subjects currently comprise a level site previously used as a car showroom and parking. The site is secured by perimeter fencing.

SITE AREA

The site extends to 0.28 hectares (0.7 acres) or thereby.

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

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 intended purchasers or lessees, and do not constitute, nor constitute part of, an offer or contract; (ii) all descriptions, dimensions, references 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.



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CHARTERED ARCHITECTS & PLANNING CONSULTANTS

Marketing Material from 2012:

TO LET
BROADFOLD1
BRIDGE OF DON
ABERDEEN

Office 6,450sqft
Warehouse 10,000sqft
Yard 11,000sqft

www.broadfold1.com

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Marketing Material from 2009:

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



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: 18,830sq.ft. (1,545sq.m.)

Lower Ground Floor

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

Total: 33,056sq.ft. (3,071sq.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 feuhold interest. Offers are invited.

Further Information & Viewing

By arrangement with the sole agent

MARK HALLIDAY & COMPANY
COMMERCIAL PROPERTY CONSULTANTS

Tel 01224 224499


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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, or constitute part of, an offer or contract; (ii) all descriptions, illustrations, references to condition and measure are approximate; (iii) no other details are given without responsibility and any intending purchasers or lessees 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; (iv) 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.



Document DOC 2 – Report of Handling

	Strategic Place Planning
	Report of Handling

Site Address:	Site 2, Intown Road, Broadfold Road, Aberdeen AB23 8EE
Application Description:	Erection of coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping works
Application Ref:	191277/DPP
Application Type:	Detailed Planning Permission
Application Date:	16 August 2019
Applicant:	Kemble Estates Ltd.
Ward:	Bridge Of Don
Community Council:	Bridge Of Don
Case Officer:	Jane Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site, which is bound to the north and east by Intown Road, forms part of the Bridge of Don Industrial Estate. It extends to 0.28ha, and previously formed



part of a wider site which was occupied by a car sales garage and car repair/servicing workshop, prior to the entire site being cleared and subdivided, with the 0.25ha site created to the south redeveloped as a hot-food restaurant and drive-thru (KFC).

To the west of the site, and at a slightly higher level beyond a retaining wall, is a large industrial building and associated access/yard, whilst to the north, across Intown Road, is a BOC Gas depot. To the east of the site, and beyond Intown Road lies an area of landscaping which runs parallel to the A956 Ellon Road dual carriageway.

Relevant Planning History

P120633: Redevelopment of the site, including demolition of car showroom and workshop, with an industrial/commercial unit with car park and yard. Approved conditionally in June 2015.

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

Planning History of the Adjacent Site

P160623: Erection of fast food restaurant with associated 'drive-thru', infrastructure works and landscaping. Application refused under delegated powers on 21 December 2016. The decision was referred to the Local Review Body on 8 February 2017, where the proposal was again refused.

170789/DPP: Erection of fast food restaurant with associated 'drive-thru', infrastructure works and landscaping. Approved conditionally under delegated powers on 14 November 2017.

APPLICATION DESCRIPTION

Description of Proposal

The erection of a coffee shop and 'drive-thru' facility, with associated car parking and landscaping. This would comprise a single storey (190m²) building with mono-pitched roof located within the northern section of the site; a vehicle access for the drive-thru facility running anti-clockwise from the access off Intown Road along the outer limits of the developed area of the plot; the 'drive-thru' collection point located along the northern elevation of the building; 22 proposed parking spaces (including 3 disabled spaces and 2 charging bays), and 2 motorcycle spaces which would be located centrally and to the south of the coffee shop/drive-thru building, with 5 cycle stands located adjacent to its western elevation.

The proposed external finishes of the building would incorporate a combination of full height glazing and vertical timber panel cladding to the front (south) elevation, which faces south across the car park and incorporates the main customer entrance to the building. The east elevation facing across Intown Road would incorporate both full height glazing and black composite panel cladding; whilst the remaining elevations



would include a combination of vertical timber and black composite panel cladding. All glazing would include black aluminium frames. The roof would be finished in a light grey laminated membrane which would be screened by means of aluminium upstands. Finally, a 2.2m long x 0.45m wide grey coloured clay faced brick feature 'fin' would be incorporated within the front elevation of the building, and sitting at right angles to the glazed frontage, would extend above the mono-pitched roof to an overall height of 7.3 metres.

The proposed landscaping includes a combination of tree and shrub planting with amenity grass along all four boundaries of the site.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PWC4THBZIP700>

The following documents have been submitted in support of the application:

- Planning Statement by Halliday Fraser Munro, dated August 2019
- Drainage Impact Assessment (Revision 1) by Cameron & Ross, dated September 2019
- Transport Statement by ECS Transport Planning Ltd, dated August 2019
- Transport Addendum Note by ECS Transport Planning Ltd, submitted November 2019
- Updated Travel & Servicing Management Plan by Halliday Fraser Munro, submitted January 2020
- Marketing Material by Mark Halliday & Co, submitted August 2019

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The Roads DM team requested additional analysis on the impact of the proposed development on the operation of the Broadfold Road/Intown Road junction and was satisfied with the information submitted. The team raised concerns regarding the suitability of the servicing/access arrangements for the site. These concerns were addressed with the submission and agreement of Roads DM to a revised servicing strategy, including for deliveries and waste collection, and an amended access/internal road layout. The submission of a travel plan and detail on staff cycle parking provision could be addressed via condition.

ACC - Environmental Health – No comment received.



Health and Safety Executive (Hazardous Substances Consent) – No objection. Do not advise against the proposed development.

Bridge of Don Community Council – The Bridge of Don Community Council object to the proposal, and raise the following points:

- (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) Concerns over safety due to the build up of traffic at the junctions of Ellon Road/Broadfold Road and Intown Road/Broadfold Road.
- (4) As part of a previous application for a fast food outlet on Intown Road (KFC) works were carried out at the junctions to stop the issue of traffic building up and blocking access to Broadfold Road, Intown Road and Ellon Road. Unfortunately, at peak times traffic continues to cause problems with vehicles accessing the existing fast food premises.
- (5) Witnessed vehicles blocking the junctions and causing traffic to build up.
- (6) The Intown Road outlet (KFC) although complete has still to open, yet there are still traffic flow problems that have not been properly addressed. Once the KFC premises are operational this will only increase the volume of traffic and add to the problems at peak times.
- (7) Concerns with the claim that there is spare capacity at the junction to accommodate future demand. This does not match favourably with observations of the junction made in the recent past. Problems at the junction during peak times have been seen first-hand with traffic backing onto Broadfold Road and blocking free movement for vehicles and parking on double yellow lines on Broadfold Road/Intown Road causing further issues.
- (8) Difficult to reconcile how increased traffic flow from the KFC and Coffee shop can be characterised by the comment made by the ACC Roads team: "Results contained within Table 2 demonstrate that the junction will continue to operate well within capacity with minimal queue once the new coffee shop drive thru is in place. A maximum Reference/Flow Capacity (RFC) of 26% is expected to occur on the McDonalds Exit arm of the junction with a corresponding queue of 0.3 vehicles during the Saturday afternoon peak. The results highlighted that there is significant spare capacity at the junction to accommodate future demand".
- (9) Intown Road is a dead end and all traffic will have to access/egress the site at the one junction onto Broadfold Road. Due to parked vehicles along its length it is in effect reduced to a single lane. It is difficult to see how this can be deemed safe.
- (10) In the document submitted by the Pegasus Group Servicing, Travel & Car Park Management Plan it is stated that "The development site is accessibly located within walking distance of several residential areas and an industrial estate;



therefore, it is considered that a number of customers will travel to the site on foot or via other methods of sustainable transport. This therefore implies that the number of customers using vehicles to collect orders is expected to be low". Given that these businesses are "Drive Thrus" it is difficult to accept that vehicular traffic will be low.

- (11) Within weeks of the neighbouring McDonalds site becoming operational there were problems at the junction which would appear to relate to a miscalculation or underestimation of traffic flow. It is not unreasonable to conclude, in particular given first-hand assessment of the junction, that the conclusions of the ACC Roads team highlighted above are questionable and similar issues should be avoided.
- (12) Irrespective of the survey findings there are still concerns relating to safety at the junction particularly at peak times.
- (13) The traffic survey indicates that figures have been based on 2020 estimations. The Community Council is aware of applications for proposed large scale housing developments near to the location and additionally, further development applications within Aberdeenshire. If these developments are approved traffic flow will invariably increase considerably. It appears the surveys do not/cannot take this into account.

REPRESENTATIONS

As a statutory consultee, the Bridge of Don Community Council objected to the proposal, as outlined above. No further representation was received.

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

National Planning Policy and Guidance

Scottish Planning Policy

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.



From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP 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.

Aberdeen Local Development Plan (2017)

Policy B1 (Business and Industrial Land)

Policy B6 (Pipelines, Major Hazards and Explosive Storage Sites)

Policy D1 (Quality Placemaking by Design)

Policy T2 (Managing the Transport Impact of Development)

Policy T3 (Sustainable and Active Travel)

Policy NC4 (Sequential Approach and Impact)

Policy NC5 (Out of Centre Proposals)

Policy R6 (Waste Management Requirements for New Development)

Policy NE6 (Flooding, Drainage & Water Quality)

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is



now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. 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 public consultation through the Main Issues Report; and,
- the level of objection raised in relation to these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis.

Supplementary Guidance and Technical Advice Notes

Transport and Accessibility

EVALUATION

Principle of Development

The application site is zoned under Policy B1 (Business and Industrial Land) of the Aberdeen City Local Development Plan. Policy B1 states that “*Land zoned for business and industrial uses shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types.*” The policy does however outline that “*facilities that directly 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.*”

The proposed use as a coffee shop and associated drive-thru clearly does not fall within any of the above classes, and as such it must be evaluated against the latter of the above principles. Whilst accepting that people working within the Bridge of Don Industrial Estate may use the facility, taking into account the drive-thru aspect of the proposal and the location of the site, where it is directly accessed and particularly visible from the A956 Ellon Road dual carriageway, then it is also quite apparent that the nature of development which is being proposed in this instance is such that it will attract a customer base from a far wider area than that of the business and industrial park within which it lies.

It is accepted that supporting facilities within business parks can attract a degree of trade from outwith these areas. However, in this instance the strategic and elevated



position of the proposed coffee shop and drive-thru and its resulting visual prominence to motorists from the Ellon Road dual carriageway, when combined with the predominant vehicular focus of the proposal (indirect access from the dual carriageway; drive-thru facility; and the maximum standard of car-parking provision being sought for the site); is such that the proposed development would likely result in a use primarily serving and attracting passing trade, and in particular, the vehicular users of the main arterial route. This is all the more likely when considered against the background of the immediately surrounding area, with an existing McDonalds drive-thru and a newly constructed KFC drive-thru located within less than 100 metres of the application site and thereby already serving the needs of businesses and employees of the adjacent sites within the Bridge of Don Industrial Estate.

The focus of the customer base of the proposed development extending beyond the industrial park is clearly evidenced by the intended 24 hour operation of the facility, and also very much reinforced by the planning statement submitted in support of the proposal, which refers to “*the potential ‘catchment’ encompassing a large area of the city*” on the basis that “*the site is located within the Bridge of Don, one of the largest suburbs in Europe, with a population of almost 23,000*”. The statement identifies the potential for further increasing the customer base for the coffee shop and drive-thru as a result of the several thousand new homes and the business land which has been allocated for development in the Bridge of Don. Taking all of the above into account, it is considered that the proposed development clearly fails to address the necessary criteria which would allow for an exception to the primary policy and as such the proposal fails to comply with Policy B1 (Business and Industrial Land) of the Aberdeen City Local Development Plan, and would constitute a departure from development plan policy.

An assessment under all remaining relevant policy is set out below.

In terms of assessment against the Strategic Development Plan, due to the scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Sequential Approach to Site Selection

The Aberdeen City Local Development Plan and Scottish Planning Policy both recognise and prioritise the importance of identified town centres by requiring that all significant footfall generating uses are located in accordance with a sequential ‘town centre first’ approach, and this position is acknowledged within the planning statement submitted in support of the application. The statement highlights that “*SPP sets out a town centres first approach promoting town centres as the primary location for new uses which ‘attract a significant number of people’.*” The same statement further



outlines that “*town centre locations are not always possible, and in the case of the proposed development, which is commonly found in out of town locations, this is an appropriate location for such a use.*”

Taking into account the potential catchment of the proposed development, as identified in the Planning Statement submitted in support of the application and referred to above, it would appear that the applicant has acknowledged the proposed development as relating to a significant footfall generating use. Given the nature of development being sought, it would not be unreasonable to suggest that a coffee shop with drive-thru typically sells relatively low value goods at high volumes in order to generate sufficient turnover to be financially viable. Furthermore, experience of the operating patterns of other drive-thru facilities in the city, and quite crucially that of the neighbouring McDonalds drive-thru, would also suggest that this type of use can become very busy at peak times, with vehicle queuing arrangements exceeding capacity at some locations, including at the aforementioned McDonalds. This particular issue regarding existing traffic pressure on the local road network has been raised as a specific concern by the Bridge of Don Community Council and experienced at first-hand by the case officer during the course of two site visits.

Taking the above into account it is deemed reasonable that the proposed development is considered as a significant footfall generator and therefore assessed against relevant policy, namely Policy NC4 (Sequential Approach and Impact) and Policy NC5 (Out of Centre Proposals). Both policies advise that they apply to new development that would create a significant footfall, and if the proposed development is considered in conjunction with the previously consented neighbouring fast-food drive-thrus (KFC and McDonalds), where the KFC is yet to commence operating, then the combined footfall and resulting effect on trade is likely to be significant and potentially have a lasting impact on the viability and vitality of the existing city centre or other more local centres.

Policy NC4 (Sequential Approach and Impact) states that all significant footfall generating development appropriate to town centres (unless on sites allocated for that use in the plan) should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance:

Tier 1: Regional Centre

Tier 2: Town Centres

Tier 3: District Centres

Tier 4: Neighbourhood Centres

Tier 5: Commercial Centres

In this instance, and as outlined above, the application site is zoned under Policy B1 (Business and Industrial) and therefore on the basis that the proposed development



would not be located within any designated centre, then it must be treated as an out-of-centre proposal, and assessed against the requirements of Policy NC5 (Out of Centre Proposals). Policy NC5 states that:

“All significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements (unless on sites allocated for that use in this plan) –

- 1. no other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time.*
- 2. there will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance.*
- 3. there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.*
- 4. the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.*
- 5. the proposed development would have no significantly adverse effect on travel patterns and air pollution.”*

These five requirements of Policy NC5 are considered below:

Consideration of Other Sites: The planning statement submitted in support of the proposed development states that “SPP sets out a ‘town centres first’ approach which promotes town centres as the primary location for new uses which ‘attract a significant number of people’. This is established through a ‘sequential approach’ for site selection, whereby out-of-town locations are the least preferred location for certain uses. Town centre locations are not always possible, and in the case of the proposed development, which is commonly found in out-of-town locations, this is an appropriate location for such a use. Furthermore, the proposed development in this location would not impact on the vitality and viability of the city centre”. In terms of Policy NC4, no supporting information has been provided to substantiate the above statement nor has evidence on the availability or likely availability of other suitable sites for the proposed use been provided.

Impact on Existing Centres: Whilst the planning statement submitted in support of the application states that the proposed development in this location would not impact on the vitality and viability of the city centre, there has been no analysis of the potential



impact on any identified centre submitted in support of the application. It is therefore not possible to establish whether existing centres would be affected, should the development proceed. However, it is worth noting that an existing drive-thru coffee shop operating 15 hours a day and 7 days a week is located some 2 km from the application site within the Denmore Retail Park.

Retail Capacity and Deficiency: Notwithstanding that one of the two existing drive-thru facilities neighbouring the application site, whilst constructed, is yet to start trading (KFC), the applicant has failed to demonstrate that there is an existing deficiency in drive-thru facilities within the area. Furthermore, and as highlighted above, an existing drive-thru coffee shop operates at some 2 km from the application site, and at less than 500 metres off the Ellon Road within the Denmore Retail Park. There would appear to be sufficient provision, including within the surrounding area to serve the existing business and industrial park, and as such there is no necessity for this development.

The planning statement confirms that the rationale behind the proposal is that *“the site is located on the edge of an existing industrial estate, is not of an appropriate size or quality to accommodate a viable level of Class 4, 5 or 6 use, and that the marketing that has taken place over the past 10 years demonstrates that this is not a viable use. The proposal presents an opportunity to introduce a mix of uses to enhance the amenity of nearby businesses, as well as passing trade, without impacting upon the nature of the industrial estate area.”*

Whilst SPP requires planning authorities to show flexibility in responding to changing economic circumstances and allow the realisation of new business and employment opportunities, this flexibility must be balanced against allowing development in inappropriate locations. It is maintained that the site is not of an acceptable size or quality for a business or industrial use, however, this in itself does not lead to the conclusion that approval must therefore be granted for an alternative use which does not comply with wider planning policy.

Accessibility and Air Quality: SPP outlines that planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

The proposed development is accessible for both pedestrians and cyclists, and also by public transport. There are bus stops on both sides of Ellon Road at a distance of



between 160 and 270 metres from the site, and a shared footway/cycleway on the northbound side of the A956. Whilst acknowledging that there are no apparent concerns in terms of providing a range of travel options to the site, it is nevertheless expected that access to the drive-thru coffee shop would be predominantly by private car, and this is further evidenced by on-site car parking which would be delivered to the maximum standards. It is also evident that the proposed coffee shop would be less car dependant if it were to be located within a city centre or other centre location.

In terms of air quality, and given the nature of development, the impact of emissions to air from or associated with the development is unlikely to be of concern.

Summary of Compliance with Policy NC5

There has been no consideration of alternative sites for the proposed use, nor has it been demonstrated that there is a proven deficiency in the provision of the type of development that is being proposed. The proposal would see the introduction of a 3rd drive-thru facility within a radius of less than 100 metres along a stretch of road directly accessed off Ellon Road, and to a site which forms the western edge of the Bridge of Don Industrial Estate. Rather than seeking to complement similar existing uses in designated centres, the proposed development would be in direct competition with them. Notwithstanding that the proposed drive-thru facility would be accessible by pedestrians and cyclists and by suitably frequent and convenient public transport services, and would not raise any significant concerns from an air quality perspective, by its very nature, whilst not solely dependent, it would nevertheless be largely dependent on access by private car. Taking into account all of the above, it is clear that the proposal fails to address the requirements of Policy NC5 (Out of Centre Proposals) of the ALDP.

Design, siting, scale etc

In relation to Policy D1 (Quality Placemaking by Design) of the ALDP, it is acknowledged that the design, scale and positioning of the proposed development within the site raises no specific concern. However, neither does the proposal have any significant or exceptional merit which would justify departure from local development plan policy and thereby outweigh non-compliance with Policy BI1 (Business and Industrial Land).

Traffic Impacts, Access Arrangements and Car Parking

A Transport Statement and Service Management Plan were submitted in support of the proposed development. ACC Roads Development Management team provided comment on the proposal and the information included within these supporting documents, and as a result of concerns raised regarding the proposed servicing of the site and the potential conflict with the proposed parking arrangements, sought amendments to the site layout, in addition to an updated service plan and a revised transport statement including traffic surveys. The revised internal layout of the site is



considered acceptable, with the main frontage of the proposed building facing south across an area of car parking, towards the neighbouring KFC site and beyond to Broadfold Road. A new road access off Intown Road is proposed along the eastern boundary of the site, adjacent to its south-eastern corner. The revised site layout includes an acceptable level of car, motor cycle and cycle parking and delivers the maximum parking standards deemed permissible for this type of use based on Aberdeen City Council's supplementary guidance on Transport and Accessibility, with parking spaces reduced from 25 to 19 as a result of the site reconfiguration. The revised site layout also includes a reduction in width to the access junction onto Intown Road, which Roads DM team has advised would restrict deliveries to small delivery vehicles.

The Bridge of Don Community Council objected to the proposal, with concerns raised regarding the likely impact of the proposed development on the local road network. These concerns relate to the proximity of the proposed coffee shop drive-thru facility with the existing McDonalds and KFC drive-thrus, and the ongoing issues of traffic building up at the Ellon Road/Broadfold Road junction. They have commented that whilst upgrades to this junction have been undertaken as a result of the approval granted for the KFC drive-thru, the traffic management issues which the upgrade sought to address have continued, including junctions being blocked and traffic building up, and these traffic flow problems have remained without the KFC facility having yet started to operate.

The Roads DM team sought a traffic survey as part of the Transport Statement and this was included within the Transport Addendum submitted in November 2019. The survey acknowledged that there were ongoing traffic pressures at the Ellon Road/Broadfold Road junction and considered this was as a result of the McDonalds drive-thru overtrading. The Transport Addendum also outlined that the modelling programme utilised to assess the capacity of road junctions was unable to account for vehicles parking within the Intown Road/Broadfold Road/McDonalds Access junction, and based the results on yellow lines having been introduced, as per an existing TRO, along Broadfold Road. The survey findings stated that the Intown Road/Broadfold Road junction would operate well within capacity once the proposed coffee-shop drive-thru was in place and identified significant spare capacity at that junction to accommodate future demand. The Roads DM team was satisfied with the outcome of the survey results and advised that the results had successfully shown that the Intown Road/Broadfold Road junction could operate within capacity as a result of the proposed development. This was on the basis that the double yellow lines which the KFC development was required to install along Broadfold Road were in place, and it can be confirmed that these double yellow lines have been installed.

The Bridge of Don Community Council were given the opportunity to submit further representation following receipt by the planning authority of the revised Travel and



Servicing Management Plan and Transport Addendum with associated survey, on the basis that the concerns which they had raised were almost exclusively in relation to the traffic impact of the proposal. Additional comments were submitted by the Community Council, with these very much re-iterating their original concerns relating to the impact which an additional drive-thru development on Intown Road would likely have, given their experience of the current pressure on the surrounding road network at peak times. Their concerns also related to the outcome of the traffic survey which indicated significant spare capacity at the Ellon Road/Broadfold Road junction, and yet these findings did not match their own observations of how the junction was functioning, with traffic backing onto Broadfold Road and blocking free movement for vehicles, and with parking on double yellow lines on Broadfold Road/Intown Road causing further issues. It should be noted that these same issues were witnessed by the case officer whilst undertaking site visits as part of the evaluation of the planning application.

Taking into account all of the supporting information submitted, including the revised Travel and Servicing Management Plan and Transport Addendum with associated traffic survey, along with the amended site layout, the Roads Development Management Team advised they had no further concerns regarding the proposed development. However, notwithstanding this, and bearing in mind that the more recently consented fast-food drive-thru is not yet operating, and traffic flow issues don't appear to have been addressed with the upgrading of the road junctions and introduction of traffic waiting restrictions, then it is considered that the proposed development would likely exacerbate existing traffic congestion in the vicinity of the site.

It is therefore considered that whilst the proposal would suitably comply with the requirements of Policy T3 (Sustainable and Active Travel) of the ALDP, it would not address the expectations of Policy T2 (Managing the Transport Impact of Development).

Other Technical Matters

Part of the site falls within a major hazard site consultation zone and as a result the Health and Safety Executive were consulted on the proposal. HSE did not advise against the proposed development and the proposal is therefore deemed compliant with Policy B6 (Pipelines, Major Hazards and Explosive Storage Sites) of the ALDP.

Policy R6 (Waste Management Requirements for New Development) of the ALDP requires all new development to provide sufficient space for waste storage. Provision has been made for bin storage to the rear of the facility and along the northern boundary of the site, with collection from Intown Road. Roads Development Management have advised that the proposed waste storage and collection



arrangements are acceptable. The proposal would therefore be suitably compliant with the above policy.

A Drainage Impact Assessment was submitted in support of the proposed development and included detail on a drainage channel across the site access junction, surface water drainage arrangements for car parking areas and the building roof through the use of porous surfacing and cellular attenuation units. Following the submission of additional information relating to surface water treatment in the form of an updated DIA, Roads Development Management confirmed they had no concerns with the proposed drainage arrangements. The proposal would therefore be suitably compliant with Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the relevant policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is therefore unacceptable in terms of both Plans for the reasons previously given.

Conclusion

The proposal may be considered acceptable in terms of its design and scale, however it fails to comply with the requirements of Policy B1 (Business and Industrial Land) of the ALDP in as far as it does not constitute a business or industrial use, nor does it relate to a use which could be considered ancillary to other uses within the surrounding business park. Given the nature of the proposal and that it would neighbour two existing drive-thru facilities, it would not be aimed primarily at meeting the needs of the surrounding businesses and their employees. As a result the proposal would constitute a departure from development plan policy.

In terms of Policy NC4 (Sequential Approach and Impact) of the ALDP, and taking into account that the application site is zoned under Policy B1 (Business and Industrial), then on the basis that the proposed development would not be located within any designated centre, it must be treated as an out-of-centre proposal, and assessed against the requirements of Policy NC5 (Out of Centre Proposals). With this in mind, the applicant has not demonstrated that there has been any consideration of alternative sites or that there is any proven deficiency in provision of the kind of development proposed, and rather than the proposed development complementing a similar existing use in a designated centre, it would likely be in direct competition with them. The proposal therefore fails to address the requirements of Policy NC5 (Out of Centre Proposals) of the ALDP.



Whilst the proposal would suitably comply with the requirements of Policy T3 (Sustainable and Active Travel) of the ALDP, it would not address the expectations of Policy T2 (Managing the Transport Impact of Development). Concerns relating predominantly to ongoing traffic flow/road junction problems within the area immediately surrounding the site and the additional impact which the introduction of a further drive-thru facility may have on these existing problems appear to be well founded.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed development fails to comply with the requirements of Policy B1 (Business and Industrial Land) of the Aberdeen City Local Development Plan in as far as it does not constitute a business or industrial use or a use that could be considered ancillary to other uses within the surrounding business park. By its very nature, the main focus of a drive-thru coffee shop 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 A956 Ellon Road dual carriageway, from which the site is accessed. On this basis the proposed development would not deliver a use aimed primarily at meeting the needs of businesses and employees within the surrounding business and industrial area, but would clearly aim to serve a customer base from a far wider area.

The proposal also fails to address the requirements of Policy NC4 (Sequential Approach and Impact) and Policy NC5 (Out of Centre Proposals) of the Aberdeen City Local Development Plan. It has not been demonstrated that any consideration has been given to locating the proposed development at an alternative site within a designated centre, or that there is any proven deficiency in provision of the kind of development proposed. Moreover, rather than complementing a similar existing use within a designated centre as required under Policy NC5, it is considered that the proposal would likely be in direct competition and as such have the potential to affect the vitality/viability of such centres.

In recognising that the site is located adjacent to one of the main thoroughfares in/out of the city and that the proposed development would serve a customer base beyond that of the surrounding business and industrial area, it is acknowledged that this location allows for access by public transport, cyclists and pedestrians. As such it is deemed suitably compliant with Policy T3 (Sustainable and Active Travel) of the Aberdeen City Local Development Plan.



The proposed development would, by its very nature, generate additional traffic. Recent upgrading of the Ellon Road/Broadfold Road/Intown Road junction layout does not appear to have addressed ongoing traffic flow problems at this road junction, as acknowledged by the applicant within the Transport Statement Addendum. The statement advises that the introduction of no waiting restrictions along the northern side of Broadfold Road would address such problems, and allow the Intown Road/Broadfold Road junction to operate within capacity. The traffic modelling undertaken assumed the parking restrictions had already been introduced. However, with the waiting restrictions now in place, and notwithstanding the comments by the Roads Development Management Team, it is apparent from on-site observations that the traffic flow problems around the Ellon Road/Broadfold Road/Intown Road junction remain. These traffic issues have been outlined in some detail by the Bridge of Don Community Council, whilst also experienced on a number of site visits undertaken by the case officer. Problems relating to traffic flow continue to occur, regardless of the junction upgrades and the introduction of waiting restrictions, and as such, cannot be overlooked in the Council's determination of the application. Taking all of the above into account, and bearing in mind that the recently consented fast-food drive-thru which immediately neighbours the application site is not yet operational, it is considered that the proposed development would likely exacerbate existing traffic congestion in the vicinity of the site and as such the proposal does not fully address the expectations of Policy T2 (Managing the Transport Impact of Development).

It is acknowledged that the design, scale and finish of the proposed development may not raise specific concerns. Similarly matters including site drainage and waste management arrangements have been suitably addressed. However, whilst the requirements of Policies D1 (Quality Placemaking by Design), R6 (Waste Management Requirements for New Developments) and NE6 (Flooding, Drainage & Water Quality) may have been suitably addressed, compliance with such policy cannot be viewed in isolation nor outweigh the issue of principle in this instance.

There are no material considerations identified, including evaluation under the Proposed Aberdeen Local Development Plan 2020, that would outweigh the above policy position or justify approval of the application.

Document DOC 3 – Roads Development Management Response 12.2.2020

MEMO



To	Planning & Infrastructure	Date	12/02/2019
		Our Ref.	191277/DPP
From	Scott Lynch		
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Planning Application No. 191277/DPP.

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

1 Development Proposal

- 1.1 I note that the application is for the erection of a coffee shop with a drive-thru (sui generis), and associated infrastructure and landscaping works at Site 2, Intown Road, Broadfold Road, Aberdeen.
- 1.2 The site is located in the outer city, outwith any controlled parking zone.
- 1.3 The restaurant has a GFA of 190m², and is proposed to be open 24/7.
- 1.4 This is the third revision of Roads comments. The applicants' responses will be noted in red, with roads comments underneath in black. The final Roads comment will be shown in **bold**.



Note – as the applicants response was in the form of a separate, self-contained document, the relevant sections have been quoted / paraphrased within this report in relevant sections.

2 Walking and Cycling

- 2.1 Pedestrian access will be taken from Intown Road, and internal pedestrian infrastructure will connect with the existing external network. The internal pedestrian network is acceptable, with pedestrians having only a short distance to walk to the unit, and priority being given to cross the vehicular lane.
- 2.2 Pedestrian footways bounding the site on all sides should be widened to 2m where these are not already present. A dropped kerb provision should be made at the site access junction.

Pedestrian connection to the existing network will be a minimum of 2m in width and dropped kerb crossings with tactile paving will be introduced across the site access.

Noted and accepted.

- 2.3 The planning statement mentions that “a new footpath connection over intown Road to the bus stop on the A956 is proposed”. Can more information be provided regarding this? No drawings appear to show this. A connection between Intown Road and Ellon Road would be required, as this is the desire-line for patrons between the proposed site and the bus stop – they are unlikely to walk the large detour around Broadfold Road.

Such a link is unnecessary... Bus stops are located within a reasonable walking distance from the site on Ellon Road, via Broadfold Road. The walking distance from the site to the northbound stop is circa 210m and the walking distance to the southbound stop is circa 310m. These stops are within the recommended walking distances to public transport facilities detailed within PAN 75.

Noted and accepted.

- 2.4 The path on the Northbound side of the A956 is signposted as a shared footway/cycleway, and the Southbound carriageway on the A956 hosts a dedicated bus, cycle, and taxi lane. Other recommended local cycle routes exist around the Bridge of Don area to the North and West of the site, which utilise quieter roads.

3 Public Transport

- 3.1 There are regularly serviced bus stops on both sides of the road within 30m of the site. As such, the site is highly accessible by public transport.
- 3.2 A new footpath connection over Intown Road to the bus stop is proposed. This is welcomed.

This is no longer proposed, which is also acceptable given that both stops fall within 400m.



4 Parking

4.1 I note that 25 car parking spaces are proposed, of which 3 are for disabled users. Additionally, 2 motorcycle bays and 10 cycle spaces are proposed, as well as passive electric charging points.

4.2 I note that the markings for the grill bays extend far beyond what is required – this results in one grill bay protruding over the zebra crossing, which is not ideal. Can the applicant formalise these grill bays into more typically sized bays, as is present at the adjacent KFC site?

Grill waiting bays amended accordingly.

Noted and accepted.

4.3 Our parking standards dictate that the maximum permissible parking is 1 space per 10m² GFA. As such, the maximum parking provision is 19 spaces. I note that 22 are proposed. This is too many – these should be reduced in line with our standards.

The development site layout has been revised to accommodate comments detailed within ACC's consultation response. 3 standard parking bays have been removed from the layout.

Noted and accepted.

4.4 I note that active electric charging spaces can be provided over and above the parking standard, whereas passive cannot. I acknowledge that the 2 proposed passive electric bays are in line with our standards, however passive charging bays are essentially standard parking spaces with cabling underneath for future modification to an active provision, i.e. they don't contribute to site sustainability in their current form. As the site has a proposed overprovision of parking, and given that our standards advocate "higher than minimum provision" being provided, I would suggest that these 2 passive spaces should instead be active. This would also increase the sites sustainability as per policy T2.

2 passive charging bays have been maintained as per the original proposal.

Noted and accepted.

4.5 Only 5 cycle parking spaces are required, yet 10 are proposed. This is welcomed. These parking spaces should be long-stay, i.e. secure *and* covered. Are they to be covered? This is not clear from the current proposal.

I note that I have an email from the applicant stating that they will keep 5 spaces for visitors, and relocate the long stay cycle parking for staff, however I cannot find any evidence that this has been done, and it is not clear from the most up-to-date site plan. Can the applicant confirm that there is long-stay cycle parking, and highlight its' location?

4.6 The 2 motorcycle parking spaces proposed are adequate.

4.7 No dimensions for the parking spaces are shown. These should be in line with our standards – i.e. 2.5m x 5.0m, with 6.0m clear aisle width.

Dimensions of the standard car parking bays are 2.5m x 5.0m, and circulating aisles are 6m to assist with vehicle manoeuvres.

Noted and accepted.



5 Development Vehicle Access

- 5.1 I note that, in the TS, the applicant states that “TRO’s are in place on Intown Road on either side of the carriageway to the South of the site access, and on the Eastern side of the carriageway to the North of the junction...The TRO’s take the form of double yellow lines...ensuring suitable visibility splays are achievable.” If no double yellow lines are in place on the West side of the carriage way to the North of the site access junction, then there is likely to be parked cars within the visibility splay?

The development parking provision is proposed to ensure sufficient space onsite to accommodate demand. Therefore, overspill parking onto adjacent street network is not anticipated. As a result, the absence of Traffic Regulation Orders to the north of the site are not a concern. Nonetheless, in the event a vehicle was parked to the north of the site access on the western side of the carriageway, drivers could continue to see clearly for a distance of 37m to the opposite side of the carriageway, ensuring vehicles from the north would be visible.

Noted, however standards dictate that, unless there are physical means to prevent crossing the centreline, visibility splays should be on the near-side of the road relative to the junction. As such, I reiterate the preference of ACC Roads that double yellow lines are installed North of the proposed access, on the West side of the road, up until the existing Intown Road / Intown Road junction.

We spoke about the TRO being required to be modified to take account of additional rod markings at new junction and to vary the ability of refuse vehicles to use Intown Road as a servicing point. Our client agrees to the advertisement costs associated with this.

Noted and accepted.

6 Internal Road Layout

- 6.1 **There has been significant back and forth with the applicant to establish a working delivery / access strategy. As such, this section will be rewritten for this revision of the application.**
- 6.2 **Access for small delivery vehicles is to be taken internally. The junction has been modified such that it permits small delivery vehicles, but due to a kerb and a vertical obstruction warning drivers of the kerb, larger vehicles will physically be unable to access the site. This is beneficial. Swept paths evidence that this is indeed the case.**
- 6.3 **The internal road layout has been amended several times and now leads to no Roads concerns.**
- 6.4 **Due to the above obstruction, refuse collection vehicles will collect from the North of the site (still called In Town Road). This point will only be used for refuse collection and not deliveries due to the bins being stores at the top of some steps, meaning staff can walk with bags of waste to the bins, but large objects (bins themselves or pallets of goods) will be unable to navigate these stairs. This is acceptable. There is an adequate turning head for refuse vehicles on this section of In Town Road as evidenced by the applicant.**



7 Local Road Network

- 7.1 Given the proximity of an existing McDonalds, and a consented KFC, it is highly likely that there will be an element of shared trips. Additionally, a large percentage of drive-through custom is typically pass-by in nature.

ACC agrees that McDonalds, KFC, and the proposed drive through coffee shop are likely to share trade to a certain extent. Therefore, the parking demand for this location could be less than it would be for a standalone drive through.

Noted and accepted.

- 7.2 The TRICS assessment undertaken by the applicant has highlighted that there is likely to be in the region of 60 and 49 two-way traffic movements during the AM and PM peak hours, i.e. ~1 car per minute on average. This is not concerning, particularly if we assume that a large portion of these will not be new trips on the network.
- 7.3 The applicant has stated that the KFC TA shows the Broadfold Road junction will operate at only 34% of the available capacity (including KFC traffic) after the Road improvements which have recently been undertaken – meaning there is plenty of spare capacity for their site.
- 7.4 For the reasons stated in 7.1 and 7.2, it is not felt that the proposal would have large impact on the junction, however I feel that the predicted 34% is perhaps overly ambitious, and that the constrained McDonalds site may still be having a larger impact on the junction than was predicted analytically. For this reason, it would be prudent for the applicant to undertake traffic surveys identical to those undertaken by KFC (i.e. 16:15-17:15 during the week, and 12:15-13:15 on a Saturday) to establish empirical data on the junctions capacity. This will allow us to establish if there is indeed reserve capacity enough to cater to Starbucks traffic.

I acknowledge that in an email to the applicant dated 07/02/2019 I said “detailed accessibility analysis and assessment of the traffic impacts will not be required”. I can appreciate how this request for a survey may be construed as being contrary to this statement. However, I then stated “the TS (which should be scoped with us)...”, to which the applicant responded “I’ll contact you in due course with proposed scoping parameters” which I do not believe ever occurred.

Results contained within Table 2 demonstrate that the junction will continue to operate well within capacity with minimal queue once the coffee new drive thru is in place. A maximum RFC of 26% is expected to occur on the McDonalds Exit arm of the junction with a corresponding queue of 0.3 vehicles during the Saturday afternoon peak. The results highlighted that there is significant spare capacity at the junction to accommodate future demand.

I noted that the applicant undertook the request for further analysis and has successfully shown that the junction will operate well within capacity. This assumes that the TRO to be complied with by KFC will remove McDonalds customers parked on Broadfold Road as there will be double yellow lines installed here. This is a reasonable assumption.



8 Travel Plan Framework

- 8.1 A successful TP should have an overarching aim, realistic modal share targets and a series of measures to obtain these targets set out in an Action Plan.
- 8.2 The applicant has stated that the TP will be implemented by the developer who will work in conjunction with ACC in its' creation and implementation. This should be conditioned.
- 8.3 The example contents shown is a good representation of what would be expected of a Travel Plan.

9 Drainage Impact Assessment

- 9.1 I note that a drainage channel is proposed access the site access junction – this is an ideal means of preventing surface water flowing from unadopted surfaces to the Councils' adopted surface, which is not permitted.
- 9.2 The applicant acknowledges that 2 levels of treatment are required for the road and car parking runoff – this is correct. The two methods proposed are permeable block paving and a Hydro Downstream Defender – can more information on the Downstream Defender be provided?
- 9.3 The applicant should also compare the pollution indices with the hazard mitigation indices in order to evidence that adequate SUDs measures have been provided. This should be incorporated into the DIA.

Downstream Defender information has been provided and is acceptable.

The updated DIA shows that the pollution mitigation indices are equal to, or greater than, the land use hazard indices. No further concerns.

10 Construction Consent

- 10.1 The access junction is to be designed to Aberdeen City Council standards. The development will require to be subject to a Section 56 Roads Construction Consent procedure and I would urge the applicant to contact Colin Burnet on 01224 522409 to discuss this matter in further detail.

11 Conclusion

- 11.1 The only remaining outstanding issue is the staff cycle parking provision which is yet to be evidenced. Once this has been highlighted there will be no further Roads concerns.

Scott Lynch
Senior Engineer
Roads Development Management



HALLIDAY FRASER MUNRO
CHARTERED ARCHITECTS & PLANNING CONSULTANTS



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11014/LET.001/SG/HFMPANNING

14.04.2020

Aberdeen City Council
Town House
Broad Street
Aberdeen
AB10 1AQ

Sent by email to: MMasson@aberdeencity.gov.uk

Dear Sir/Madam,

**PLANNING REFERENCE: 191277/DPP
SITE 2, INTOWN ROAD, BROADFOLD ROAD ABERDEEN, AB23 8EE - ERECTION OF
COFFEE SHOP WITH 'DRIVE THRU' (SUI GENERIS) AND ASSOCIATED
INFRASTRUCTURE AND LANDSCAPING WORKS**

FOR KEMBLE ESTATES LTD.

Further to your letter of 7 April 2020, I write to respond the further representation received from Bridge of Don Community Council. I would be grateful if the below could be considered in the determination of this review.

I would note that the Bridge of Don Community Council have forwarded four photographs to outline their concerns at the Broadfold junction. The Community Council have previously highlighted their concerns with the safety of this junction given that customers using McDonalds are queuing onto the road. We would reiterate that in order to help alleviate the issues with the junction, Kemble Estates made improvements to the junction to enable the development of the KFC unit. The transport impact of the development is discussed in detail at section 5.2 of the Appeal Statement, and whilst we do not want to reiterate points previously made we would outline that the applicant has made significant investment in junction realignment, and traffic regulation orders (TRO) to install road markings and double yellow lines. The applicant has also as part of this application undertaken traffic surveys which confirmed the junction has capacity for the proposed coffee shop unit.

The photographs submitted by the Community Council are included below with comments which we would appreciate you would take into consideration in the determination of this review.

ABERDEEN | BELFAST | DUNDEE | EDINBURGH | GLASGOW | LEEDS | LONDON

REGISTERED OFFICE: 8 VICTORIA STREET, ABERDEEN AB10 1XB T: 01224 388 700 E: info@hfm.co.uk W: hfm.co.uk

Registered in Scotland, Registration Number: SC312492

Photograph 1:



This is a view looking south down Broadfold Road towards Ellon Road. McDonalds is located on the right had side of the photograph. This photograph shows cars parked illegal on double yellow lines.

Photograph 2:



This photograph clearly shows a member of McDonalds staff issuing an order to a car which is illegally parked on double yellow lines. This is therefore an existing operational issue with McDonalds and is having an adverse impact on the junction improvements installed at the applicant's expense. We would suggest that this could be resolved by enforcement of the TRO. We would also note that the Council's Roads Development Management Service have noted that additional units would help to alleviate the McDonalds traffic problem through shared and linked trips.

Photograph 3:



This is a view looking down Intown Road from Broadfold Road. Again, cars are illegally parking on double yellow lines, impinging the safe operation of the junction.

To summarise, we would highlight that the traffic issues at the Broadfold Road junction relate to an existing issue relating to the operation of the McDonald's unit. We are concerned that the improvements made to the junction are therefore being adversely impacted. However, if the TRO were to be enforced, the road safety of the junction would be improved. The transport statement has demonstrated that there is capacity within the junction for the proposed coffee shop, and the introduction of an additional unit will offer additional choice for users, thereby reducing the level of overtrading experienced by McDonalds. Aberdeen City Council's Roads Development Management Service have no objection to the proposed coffee shop.

We trust that the above is helpful in the determination of the review, however, should you require any further information, please do not hesitate to contact Sarah Graham on 01224 388700 / planning@hfm.co.uk .

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Sarah Graham'.

**SARAH GRAHAM
SENIOR PLANNING CONSULTANT
FOR AND ON BEHALF OF HALLIDAY FRASER MUNRO**

cc. Kemble Estates Ltd

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