

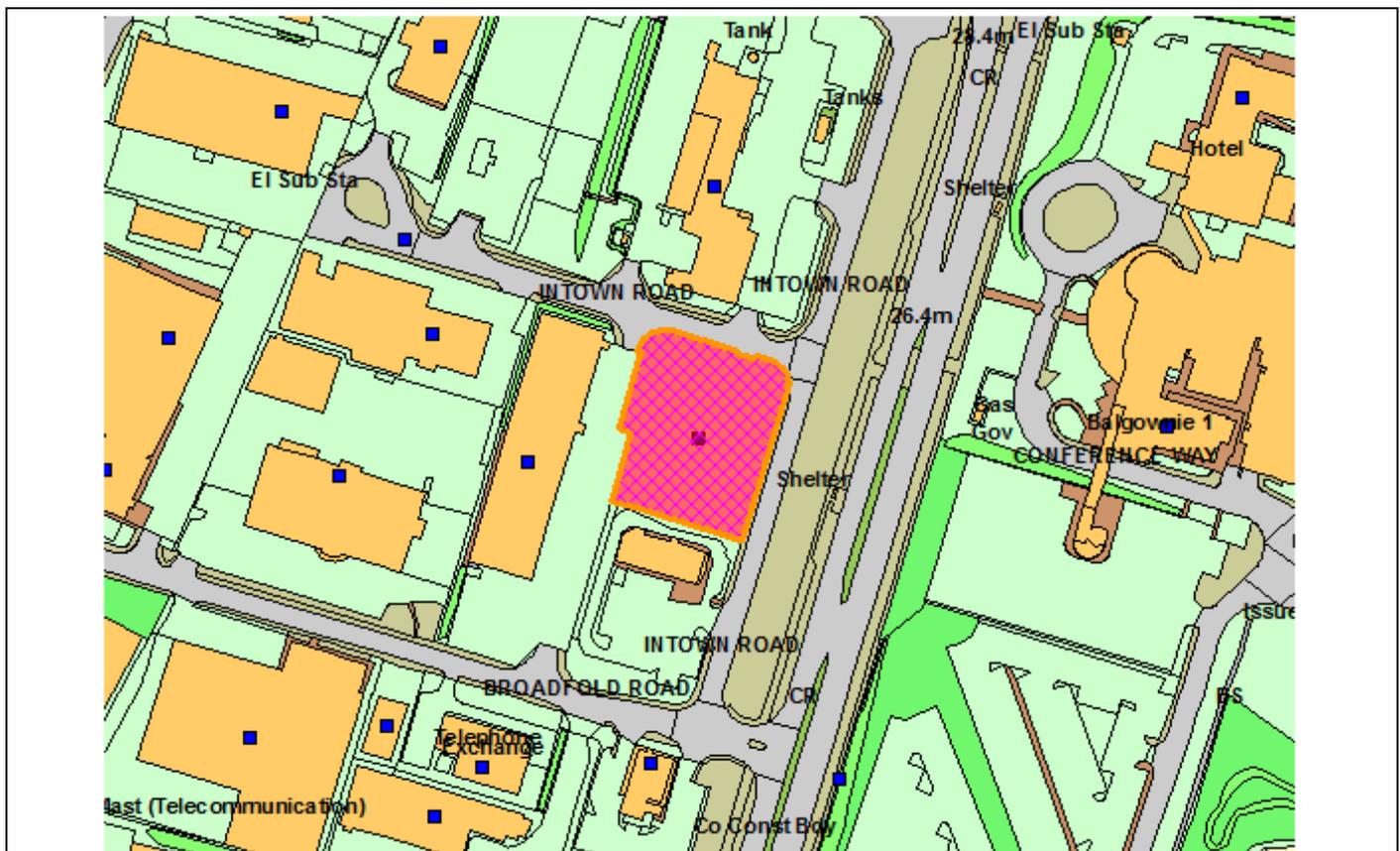


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 17 February 2022

Site Address:	Site To North Of KFC, Intown Road, Bridge Of Don, AB23 8EE
Application Description:	Erection of coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping works
Application Ref:	211453/DPP
Application Type	Detailed Planning Permission
Application Date:	6 October 2021
Applicant:	Kemble Estates Ltd.
Ward:	Bridge Of Don
Community Council:	Bridge Of Don
Case Officer:	Jane Forbes



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RECOMMENDATION

Approve Conditionally

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 Application withdrawn prior to determination on 19 November 2015.

191277/DPP: Erection of coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping works. Application refused under delegated powers on 5 March 2020. The decision was referred to the Local Review Body on 1 June 2020. The LRB upheld the earlier decision and planning permission was refused.

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

Detailed planning permission is sought for the erection of a coffee shop and 'drive-thru' facility, with associated car parking and landscaping. This would comprise a flat roofed, single storey building (190m²) incorporating an enclosed utility yard area (30m²) located within the northern section of the site; a vehicle access for the drive-thru facility running 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 car parking spaces (including 3 disabled spaces and 2 charging bays), 2 motorcycle spaces which would be located centrally and to the south of the coffee shop/drive-thru building and 9 cycle parking spaces, comprising 5 secure lockers and 2 cycle hoops providing the remaining 4 spaces.

The proposed external finishes of the building would include a combination of full height glazing, vertical larch timber panel cladding and light brown composite 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 the same composite panel cladding; with the remaining elevations including a combination of vertical timber panels, full height glazing and composite panel cladding. All glazing would include grey aluminium frames. The roof would be finished in a light grey laminated membrane which would be screened by means of a parapet clad in brown composite panels to match the walls. Finally, a 6.3m x 3.1m tower feature finished in vertical larch timber panelling would be located on the roof of the building, set back some 6.8m from its southern (front) elevation, and projecting to a height of some 3 metres above roof level.

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

Amendments

Amendments were made to the proposal by the applicant in December 2021:

- The site layout was revised to deliver a larger area of public space and outdoor seating adjacent to the entrance to the coffee shop building and more direct pedestrian access between the coffee shop and associated car park.
- 5 secure cycle parking spaces have been accommodated within the revised site layout.
- The design of the proposed coffee shop building was revised, including replacement of the previously proposed mono-pitch roof with a flat roof and the introduction of a timber clad tower feature to the roof, all to reflect a recent change in the corporate design requirements of the applicant.

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=R0JYL2BZGQ100>

- Planning Statement by Halliday Fraser Munro, dated September 2021
- Drainage Impact Assessment (Revision 2) by Cameron & Ross, dated September 2021
- Transport Statement by ECS Transport Planning Ltd, dated September 2021
- Travel & Servicing Management Plan by Halliday Fraser Munro, submitted December 2021
- Correspondence from the agent, on behalf of the applicant (dated 2 December 2021), addressing points raised in consultation comments and letters of representation
- Correspondence from the marketing agent Mark Halliday & Co, on behalf of the applicant, submitted October 2021 and January 2022

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because Bridge of Don Community Council has objected to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

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

ACC - Roads Development Management Team – The Roads Development Management (DM) team reviewed the information submitted, including in terms of access, parking, internal road layout, local road network, drainage and a travel plan framework. Initial concerns raised relating to the

absence of secure cycle parking for staff on site have been addressed. Roads Development Management (DM) raised no objection to the development proposal subject to conditions being applied including in relation to the submission of a travel plan. Further detail on the consultation response is covered in the evaluation section of this report.

ACC - Environmental Health – No objection. Considered the supporting documentation submitted, the proposed end use and site location and advised that the proposal was not considered likely to have a significant adverse noise impact and therefore a Noise Impact Assessment was considered neither necessary nor proportionate.

Advised that on the suggested use a significant adverse odour impact was not likely, therefore an Odour Impact Assessment was not considered necessary or proportionate. Confirmed that in the absence of a suitable commercial Local Extract Ventilation (LEV) system, the premises would be considered unsuitable for unrestricted class 3 uses therefore a suitably worded condition should be applied to restrict and allow for appropriate control of cooking activities which could give rise to odour emission.

ACC - Waste and Recycling – No objection. Confirmed that the proposed development would be classified as commercial and would therefore receive a business waste collection. Provided advice on the waste management requirements for the proposed development whilst noting that Aberdeen City Council can only provide a very general response regarding commercial developments given the range of waste service contractors operating in the city.

Bridge Of Don Community Council – The Bridge of Don Community Council objected to the proposal, and raised the following points:

- (1) Concerns relating to the existing traffic situation at the Ellon Road/Broadfold Road junction and at the Broadfold Road/Intown Road junction.
- (2) Cars are queuing on Ellon Road (a dual carriageway) to get onto Broadfold Road and access the current outlets. Depending on the situation cars may not get onto Intown Road.
- (3) An additional outlet in this area will only cause additional traffic which will come to a standstill with tempers being raised.
- (4) An example we have been made aware of is a resident visiting KFC Drive Thru and having to wait 30 mins to get out of Intown Road. As Intown Road is a no through road this situation unfortunately will become a normal occurrence.
- (5) Concerns raised regarding ACC Roads DM Team consultation response which outlines the following points: *1) 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; and 2. The applicant has undertaken surveys of queues in the area in May 2021. These surveys evidence that there is significantly reduced queues and indiscriminate parking, which previously hindered the smooth operation of the junction. The Community Council raise concerns with these points as on passing the junctions at various times a lot of built up traffic can be seen. The fact that McDonalds already have a traffic steward would suggest that there is still a problem with the volume of traffic for the road layout.*
- (6) As far as the survey evidence, this was carried out in unprecedented times, where all roads were very quiet due to COVID restrictions with people opting to walk rather than take the car anywhere. Therefore, we would urge that a further survey is undertaken to provide up to date data, before any decision on this application is made. This survey needs to be carried out at peak times to give a true picture. Peak times being:- Thurs - Sun 1600 - 2000 and Sat & Sun 1200 – 1400”.
- (7) Coffee outlets are very popular, as seen with the one at the Bridge of Don Retail Park. Subject to this, the anticipated volume of customers and therefore traffic associated with a new outlet, from not just local residents but also those heading out to Aberdeenshire, will cause undue traffic

backlog and chaos in the surrounding area, which raises safety concerns.

REPRESENTATIONS

Three valid and timeously made representations have been received in relation to this application, two expressing objection and one expressing support. The points raised are summarised as follows:

Support

- As a resident of Bridge of Don/Danestone community I have never seen KFC traffic causing any problems on this slip road, the traffic has been within their car park;
- Currently we need to travel into the city centre to buy a Starbucks;
- The location is perfect;
- The Community Council should contact residents for opinions especially when objecting to something that would be of benefit for the majority of us.

Objection

- A drive-thru site needs to have active Rapid (or better) EV charging from the day the development is open and to have more than one charger, not 'passive' ie just ducting and cabling with no date as to when the infrastructure may be installed;
- The application is contrary to key policies of the Aberdeen City Local Development Plan, including: B1 'Business and Industrial Land', D1 'Quality Placemaking by Design', T2 'Managing the Transport Impact of Development' and T3 'Sustainable and Active Travel' (including the relevant Supplementary Guidance 'Transport and Accessibility');
- The application will have an adverse impact on the local road network and affect local road safety and the ability of employees of the BOC site which lies directly north of the application site to safely undertake their gas delivery operations;
- Local road network improvements undertaken since the previous application for this site have not addressed traffic issues;
- Traffic continues to back up on Intown Road and Broadfold Road onto the A956, creating a significant hazard at peak hours. Further drive through traffic will only increase these issues;
- Concerns raised regarding the proposed pedestrian network within the site;
- The site is totally dominated by parking, including circulating road space, a "Drive Thru" lane and service bays and does not present an attractive or welcoming space for pedestrians, cyclist or other active travel users;
- Cycle parking facilities are located remote from the main entrance and it is not clear if these facilities are secure, covered or well lit;
- Pedestrians face a 200m walk from the nearest bus stop on Ellon Road. The proposed parking allocation demonstrates a reliance on private car access;
- The Transport Statement suggests the traffic estimates for the proposed development are overestimated. The number of car parking spaces proposed for the site does not reflect this;
- The landscape plan does not indicate a path or trackway to allow refuse wheelie bin or skip access onto Intown Road;
- The Council's refuse manager has noted that the refuse collection area should include for an area of hard standing at storage and collections point(s), a dropped kerb at proposed bin collection point and yellow lines in front of bin collection point. No commitment to providing these can be found in the Transport Statement, suggesting that any facilities will not be compliant. In addition, there appears to be a considerable level difference (circa 1.75m) between the "Drive Thru" lane and Intown Road and it is not clear how wheelie bins or heavy refuse sacks can be safely transported to a collection point on Intown Road;
- If refuse collection is to be undertaken on Intown Road, this may impede vehicle access to the BOC site;
- There would be an overprovision of car parking spaces on site, contrary to policy and parking

standards;

- The proposal to have ducting for just 2 spaces is deficient and not in the spirit of national government aims to reduce reliance of internal combustion vehicles;
- Concerns raised regarding the servicing arrangements for the proposed development due to the constraints of the site;
- No details of the Service Management Plan have been provided;
- The purpose of the Rigid Truck swept path assessment drawing is unclear in the planning submission;
- The turning head area at the end of Intown Road that is proposed to turn refuse vehicles in is subject to parking and may restrict access for HGV refuse movements at this location;
- Concerns raised regarding the trip generation estimates, including the suggestion that trip sharing may occur between McDonalds and KFC users and the proposed Starbucks and whether delivery services (eg via Uber, Just Eat and Deliveroo) have been accounted for;
- The current McDonalds site requires a traffic steward to help control parking and traffic flow at the main access junction to the wider area. The proposed development is highly likely to exacerbate an already fragile transport network and cause significant safety and access concerns for all road users. No Road User Safety Audit (RUSA) has been offered or requested and as such it cannot be stated that proposed operation can operate in a safe and efficient manner;
- The Travel Plan provided in the Transport Statement is generic and lacks detail.

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

Development Plan

Strategic Development Plan

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Local Development Plan

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies

relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

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 NC5 - Out of Centre Proposals
Policy R6 - Waste Management Requirements for New Development
Policy R7 - Low & Zero Carbon Buildings, and Water Efficiency
Policy NE6 - Flooding, Drainage & Water Quality

Supplementary Guidance (SG)

Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. The following policies of the Proposed ALDP are of relevance in the assessment of this planning application -

Policy B1 - Business and Industrial
Policy B6 - Pipelines, Major Hazards & Explosive Storage Sites
Policy D1 - Quality Placemaking
Policy D2 - Amenity
Policy NE4 - Our Water Environment
Policy T2 - Sustainable Transport
Policy T3 - Parking
Policy R5 - Waste Management Requirement in New Development
Policy R6 - Low and Zero Carbon Buildings, and Water Efficiency
Policy VC3 - Network of Centres
Policy VC9 - Out-of-Centre Proposals

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 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 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 would likely 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 apparent that the nature of development which is being proposed in this instance is such that it will attract a customer base from an area beyond that of the business and industrial park within which it lies.

It is accepted that supporting facilities can attract trade from outwith the area within which a business and industrial park operates. In this instance the 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, including indirect access from the dual carriageway; a drive-thru facility; and the maximum standard of car-parking provision being sought for the site; is such that the proposed development would undoubtedly result in a use which would clearly attract passing trade from vehicular users of the main arterial route as well as serving the needs of businesses and employees located within the Bridge of Don Industrial Estate.

The potential focus of the customer base of the proposed development extending beyond the Industrial Estate and therefore not being aimed primarily at meeting the needs of businesses and employees within the business and industrial area is also evidenced by the intended 24 hour operation of the facility. The planning statement submitted in support of the proposal refers to *“the large local walking catchment, both of business park users and local residential areas”*. The statement also identifies the potential for further increasing the customer base for the coffee shop and drive-thru with several hundred new homes having recently been granted planning permission on the opposite side of Ellon Road and to the north of the site. The proposed development does not specifically address the criteria which allows for an exception to the primary policy and as such the proposal represents a departure from the Local Development Plan on the basis that it does not comply with the requirements of Policy B1 (Business and Industrial Land).

Taking the above into account it is therefore necessary to consider whether there are any material planning considerations that would in this instance justify the granting of planning permission as a departure from the adopted Local Development Plan.

In this regard it is of particular relevance to note that the application site formed part of a wider site which operated as a car showroom/garage until becoming vacant in 2009 and subsequently cleared in 2013 when buildings associated with the car showroom/garage use were demolished. Throughout this period of some 12 years the site has been actively marketed and whilst consent was granted in November 2017 for a fast food drive-thru within the southern part of the site, the northern section which extends to an area of 2800m² and relates to this current application under consideration has remained vacant. Despite the continuous and active marketing of the application site which has taken place, as confirmed and detailed by the agents on behalf of the applicant, there has been no interest forthcoming in the site for industrial/business use. The agent involved in the marketing of the site has advised that the marketing campaign has evolved with the ever-changing Aberdeen property market and economic conditions including an updated brochure and agency board as recently as January 2021, following the previous refusal in June 2020 of application ref 191277/DPP for a coffee shop with 'drive-thru' on the same site, but with no serious interest other than from the current applicant. So, notwithstanding the active marketing of the site, it has now

remained vacant for a lengthy period of time and with what would certainly appear to be limited potential for this relatively compact site being redeveloped for a new Class 4/5/6 use.

Consideration has been given as to whether the proposed use of the site as a coffee-shop with drive-thru would cause conflict with existing uses within the surrounding area, given its business and industrial zoning. The immediate context of the site is an existing fast food drive-thru immediately to the south of the site (KFC) and to the south of that and across Broadfold Road, a further fast food drive-thru (McDonalds). To the west is an industrial building with vehicle access and yard areas located along its eastern boundary and adjacent to the western boundary of the application site, whilst to the north and across Intown Road is the site occupied by BOC as a distribution hub with office buildings and yard space located adjacent to its southern boundary. It is not considered that the erection of a coffee shop and drive-thru within the application site which is located on the periphery of the Bridge of Don Industrial Estate and currently lies derelict would adversely affect the existing amenity of those neighbouring sites or those within the wider industrial estate to any significant degree.

Taking all of the above into account it would appear appropriate and legitimate in this instance to consider the proposed alternative use for the site on the basis that there are sufficient material considerations allowing for a departure from its business and industrial zoning. An assessment of the proposed development under all remaining relevant policy is set out below.

Sequential Approach

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. The Planning Statement submitted in support of the application argues that "*The proposed coffee shop with drive-thru is not considered to be a significant footfall generating use. This has been the view of the Planning Authority in relation to other drive-thru coffee shops approved and now operational in out of town locations on land allocated for business use*". With this in mind and in terms of assessing the proposed development against Policy NC5 (Out of Centre Proposals), whilst also noting that each application is determined on its own merits, in this instance it is acknowledged that in considering similar proposals relating to coffee shop drive-thrus but with more extensive floor areas than currently being proposed as part of this application, it has previously been accepted that such facilities did not fall within the remit of significant footfall developments.

As outlined above, it is recognised that the proposed coffee shop and drive-thru would attract customers from beyond the Bridge of Don Industrial Estate, considering its location adjacent to the Ellon Road dual carriageway, however beyond that and bearing in mind the relatively limited scale of the facility (190m²) its operation would likely be focussed largely on the surrounding local area, given that a number of similar coffee shops with drive-thrus are already established across the wider city, including within existing town centres as well as within similar business and industrial settings such as this. It is not apparent that there would be other sites within the surrounding area which could readily accommodate the format of development proposal which is being sought here, whilst also providing the access opportunities afforded by this site, which includes ease of access for pedestrians and cyclists, and for those travelling by public transport. With 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, there is an acceptable range of travel options available for accessing the site, albeit access to the proposed drive-thru coffee shop is likely to be predominantly by private car and such access would almost certainly be less car dependant if the coffee shop were located within a city centre or other centre location.

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. A supporting letter from the marketing agent confirms that there is no demand for this type of site in this location from business or industrial users, and notes there is an oversupply. 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.”

SPP requires planning authorities to show flexibility in responding to changing economic circumstances and allow the realisation of new business and employment opportunities, with this flexibility 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, and that would appear to be borne out by the extended period that it has lain vacant despite the ongoing marketing of the site during that time.

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 lies on the eastern periphery of the Bridge of Don Industrial Estate. The proposed coffee shop and drive-thru could potentially be in competition with similar existing uses in designated centres and there could therefore be some impact on those existing facilities due to divergence of trade. It is noted that the site is accessible by pedestrians and cyclists, served by a suitably frequent and convenient public transport service, and the proposed use does not raise any significant concerns from an air quality perspective, however by its very nature, whilst not solely dependent, it would nevertheless be largely dependent on access by private car. Taking all of the above into account, and whilst accepting that the proposal may not be deemed to fall strictly within the remit of a significant footfall generating development, when considered against the expectations of Policy NC5 (Out of Centre Proposals) of the ALDP, there is a degree of tension.

Design, Siting and Scale

Policy D1 (Quality Placemaking by Design) of the ALDP requires all development to ensure high standards of design and to have a strong and distinctive sense of place as a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. It is acknowledged that not all development will be of a scale that makes a significant placemaking impact, but that good design and detail does add to the attractiveness of the built environment.

It is considered that the design, scale and positioning of the proposed development and associated landscaping is appropriate in this instance. The resulting visual impact of the single storey, flat roofed building would be acceptable within the context of the site and the surrounding area. Its design and material finish would largely conform with that of similar drive-thru developments within the city, including those neighbouring the site, and would have no adverse impact on the character or amenity of the area.

The proposal is considered to be suitably compliant with the requirements of Policy D1 of the Aberdeen City Local Development Plan.

Traffic Impacts, Access Arrangements and Car Parking

Policy T2 (Managing the Transport Impact of Development) of the ALDP states that “new development must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel” whilst Policy T3 (Sustainable and Active Travel) states that “new development must be accessible by a range of transport modes with an emphasis on active and sustainable transport”.

A Transport Assessment, Service & Travel Management Plan and Swept Path Analysis were included in the submission in support of the proposed development. ACC Roads DM team assessed the proposal and provided comment, including on the information contained within these supporting

documents. The proposed site layout was considered acceptable, providing appropriate connection between the site and the existing external network for pedestrians and cyclists, including the provision of dropped kerb crossings and priority within the site for crossing a vehicular lane. 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, motorcycle and cycle parking for this type of use. A total of 9 cycle parking spaces are proposed on site, which exceeds the 5 required under current cycle parking standards, as outlined within the Council's Supplementary Guidance on Transport and Accessibility, thereby suitably encouraging sustainable travel to the site for both customers and staff, with 5 of the 9 spaces identified as secure cycle lockers, and all cycle parking provision deemed to be suitably located within the site. 2 motorcycle parking bays are proposed, along with a total of 22 car parking spaces, of which 3 are for disabled users and of the remaining 19 spaces, 2 are identified for passive EV charging. Whilst acknowledging that there may be a degree of ambiguity within the Council's Transport and Accessibility SG on how the level of car parking spaces for a site is calculated based on the maximum standards when considering the proportion to be allocated for disabled users, the ACC Roads DM team is entirely satisfied that the total no. of car parking spaces proposed for the site is appropriate. A condition has been applied which requires submission of details on the EV charging stations for approval and for the approved stations to be installed prior to the coffee shop and drive thru facility operating. The site lies within an acceptable distance of bus stops, located on Ellon Road, and as such is considered suitably accessible by public transport. Conditions have also been applied to ensure delivery of the short/long stay cycle parking on site and for a Travel Plan to be implemented, with details to be submitted and agreed by the planning authority, again with a view to encouraging active and sustainable modes of travel in association with the site.

Under the former proposal for a coffee shop and drive-thru at this site ACC Roads DM team provided comment on the proposed servicing of the site and raised concerns relating to the potential for conflict between service vehicles manoeuvring within the site and customer parking, based on the original car parking layout. As a result of those concerns the internal layout of the site was revised to allow for the proposed level of car, motorcycle and cycle parking to be delivered, and amendments made to the site junction onto Intown Road with a view to restricting access to small delivery vehicles. This current proposal has accommodated the same junction modification thus ensuring a limit on the size of service vehicles accessing the site and the Roads DM team has confirmed that it is satisfied that the swept path analysis submitted suitably evidences and supports this arrangement.

Taking into account the aforementioned junction modification which will limit servicing of the site to small delivery vehicles it has been acknowledged and accepted by ACC Roads DM that refuse vehicles will not access the site and an area for bin storage is proposed along the northern boundary of the site with access for collection by refuse vehicles from Intown Road. The Roads DM team has confirmed it is satisfied with the arrangements for refuse storage and collection as proposed and that the road layout along Intown Road is suitable to accommodate access by refuse vehicles.

Bridge of Don Community Council has objected to the proposal, with concerns raised regarding the impact of the proposed development on the local road network including traffic build up at the Ellon Road/Broadfold Road and Intown Road junctions. There is concern that the introduction of a further drive-thru outlet in the area would result in additional traffic and increased pressures on the network. The Community Council commented that the traffic surveys provided in support of the application which demonstrate the upgraded Ellon Road/Broadfold Road/Intown Road junction as operating within capacity were undertaken when the local road network was very quiet due to COVID restrictions and should have been carried out at peak times. The Community Council also raised safety concerns relating to the proposed development, with the anticipated volume of customers

and associated traffic from a new coffee shop and drive-thru potentially causing undue traffic backlog and chaos in the surrounding area.

The scope of the Transport Assessment was agreed with ACC Roads DM and the transport surveys were carried out on a Friday and Saturday in May 2021 including at peak periods. The survey findings stated that the Intown Road/Broadfold Road junction would operate within capacity once the proposed coffee-shop drive-thru was in place and identified spare capacity at that junction to accommodate future demand. The findings of these surveys were deemed acceptable by the ACC Roads DM team.

Having fully considered all of the supporting information submitted, including the Servicing and Travel Management Plan and Transport Assessment with all its associated reports (Transport Statement, Addendum Note & Technical Note) and traffic surveys, and based on the proposed site layout, the Roads DM team has confirmed it is satisfied with the findings and has no concerns regarding the proposed development. It should be noted that since the previous proposal for a coffee shop and drive-thru at this site was initially considered and subsequently determined, the consented KFC drive-thru in the adjoining site to the south is now operational with all road upgrades and parking restrictions associated with its operation now implemented, and this has been reflected in the traffic information submitted in support of the current proposal.

Concerns relating to indiscriminate parking along Broadfold Road have been raised in the representations received and the Transport Assessment has highlighted that such concerns relate primarily to the operation of the McDonalds drive-thru and advise that a monitoring system has now been introduced, including the use of a traffic steward, to alleviate such issues at peak times. A letter of support from a local resident has stated that they have not witnessed any traffic issues relating to the KFC drive-thru operation, however issues have been raised in representation and by the Bridge of Don Community Council Community with regards ongoing traffic flow problems in the vicinity of the application site. Whilst such issues were apparent in early 2020 when site visits were undertaken by the case officer as part of the evaluation of the previous application and these were clearly identified within the report of handling at that time, such issues have not been witnessed during a number of site visits undertaken by the case officer as part of the evaluation of this current application, despite these visits having been carried out over a period of two months at the end of 2021 and at peaks times, including on week days and at weekends and over lunchtimes and late afternoons/early evenings.

Taking all of the above into account it is considered that the proposal would suitably comply with the requirements of Policy T3 (Sustainable and Active Travel) and Policy T2 (Managing the Transport Impact of Development) of the Aberdeen City Local Development Plan.

Other Technical Matters

Part of the site falls within a major hazard site consultation zone and as a result the Health and Safety Executive (HSE) were consulted on the proposal. HSE did not advise against the proposed development and the proposal is therefore deemed suitably 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 along the northern boundary of the site, with collection from Intown Road. The Council's Waste & Recycling Team raised no objection to the application and advised of the waste management requirements. The Roads DM team advised the proposed waste storage and collection arrangements were acceptable and they were satisfied that an adequate turning head would be available on Intown Road for refuse vehicles. The proposal would therefore be suitably compliant with the above policy.

A Drainage Impact Assessment (DIA) was submitted in support of the proposed development and included detail on a drainage channel across the site access junction and surface water drainage arrangements for the road and car parking runoff. The DIA also provided appropriate pollution mitigation indices. The Roads DM team 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.

All new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of application through the installation of low and zero carbon generating technology. Whilst no details have been submitted in this regard, this matter can be controlled by means of an appropriate planning condition in order to ensure compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the ALDP.

Matters raised in letters of objection

The matters raised in letters of objection as summarised at the start of this Committee Report have been addressed in the evaluation above.

Proposed Aberdeen Local Development Plan

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

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

It is acknowledged that 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, nor could it be considered as being aimed primarily at meeting the needs of the existing businesses and employees of the Bridge of Don Industrial Estate. However, it is also accepted that despite continuous and active marketing of this brownfield site since it became vacant in 2009, there has been no interest forthcoming in the site, which lies on the periphery of the Industrial Estate, for industrial or business use.

It has therefore been deemed appropriate and legitimate in this instance to consider the proposed alternative use for this site, thereby allowing for a departure from its business and industrial zoning. This would accord with the expectations of SPP which requires planning authorities to show flexibility in responding to changing economic circumstances and allow the realisation of new business and employment opportunities, with this flexibility 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, and that would appear to be borne out by the extended period that it has lain vacant despite the ongoing marketing of the site during that time.

Due to the limited scale of development being sought in this instance the proposal would not clearly fall within the remit of a significant footfall generating development, however it should nevertheless be acknowledged that the proposed coffee shop and drive-thru development would potentially be in competition with similar uses in existing designated centres and on the basis that there could therefore be some impact on those existing facilities due to divergence of trade, there is a degree of tension with this proposal when considered against the expectations of Policy NC5 (Out of Centre Proposals) of the Aberdeen City Local Development Plan.

It is accepted that the proposed development would serve a wider customer base than that of the surrounding business and industrial area and recognised that this is all the more likely given the location of the site adjacent to a main thoroughfare which provides access in/out of the city. The site is however deemed suitably accessible by a range of means and subject to a number of conditions is capable of encouraging and supporting sustainable travel. An acceptable level of on-site car, motorcycle and cycle parking has been proposed, and it is considered that the local road network is capable of accommodating the trips generated. As such the proposal is considered to accord with the aims of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) of the Aberdeen City Local Development Plan, and the associated 'Transport and Accessibility' Supplementary Guidance.

Taking all of the above into account, and on balance, whilst the proposal is deemed to be a departure from Policy B1 (Business and Industrial Land) and may introduce some tension with the expectations of Policy NC5 (Out of Centre Proposals) of the Aberdeen City Local Development Plan, there are deemed to be sufficient material considerations in this instance to justify such departure. The proposal is of an appropriate design, scale and finish, and is thereby in accordance with Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan. The requirements of Policies B6 (Pipelines, Major Hazards and Explosive Storage Sites), R6 (Waste Management Requirements for New Development) and NE6 (Flooding, Drainage and Water Quality) have been suitably addressed, and it is considered that compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the Aberdeen City Local Development Plan can be controlled by means of an appropriately worded condition. The majority of the policies in the Proposed Aberdeen Local Development Plan (PALDP) 2020 reflect those of the adopted Local Development Plan with which the proposal is in accordance for the reasons noted above. A departure from Policy B1 (Business and Industrial Land) can be justified for the reasons outlined above.

CONDITIONS

1. CAR PARKING

That the development hereby approved shall not be brought into use unless the car and motor cycle parking areas hereby granted planning permission have been constructed, laid-out and demarcated in accordance with drawing No. P(00) 003 Rev PO1 (Proposed Site Plan) of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars and motorcycles ancillary to the development and use thereby granted approval. Reason: In the interests of public safety and the free flow of traffic and to ensure compliance with Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and the associated 'Transport and Accessibility' Supplementary Guidance.

2. ELECTRIC VEHICLE CHARGING POINTS

That prior to development commencing on site, details of the type of electric vehicle charging stations to be installed in association with the 2 EV car parking spaces identified on drawing No. P(00) 003 Rev PO1 (Proposed Site Plan) have been submitted to and approved in writing by the planning authority, and thereafter the charging stations are installed in accordance with the agreed detail prior to the use hereby approved commencing. Reason: In order to encourage the use of electric vehicles and comply with the Council's 'Transport and Accessibility' Supplementary Guidance.

3. CYCLE PARKING (SHORT AND LONG STAY)

That the development hereby granted planning permission shall not be brought into use unless

the secure cycle storage and parking facilities identified on drawing No. P(00) 003 Rev PO1 (Proposed Site Plan) of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority have been fully installed and made available for use. Reason: In the interests of encouraging sustainable travel, as required by Policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

4. TRAVEL PLAN

That the coffee shop hereby granted planning permission shall not be occupied unless full details of a Staff Travel Plan which includes an overarching aim, outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, realistic modal share targets and a series of measures to obtain these targets as set out in an Action Plan, are submitted to and agreed in writing by the planning authority and thereafter the Travel Plan is implemented in accordance with the approved details. Reason: In order to encourage the use of alternative and sustainable modes of travel, as required by Policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

5. LANDSCAPING SCHEME

That all soft and hard landscaping proposals shall be carried out in accordance with drawing No. 0001 Rev D (Proposed Landscape Layout) and drawing No. 0002 Rev C (Proposed Planting Plan) of the plans hereby approved or such other drawing(s) as may subsequently be submitted and approved in writing by the planning authority, with all planting, seeding and turfing carried out in the first planting season following the completion of the development. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works, including all boundary treatment, shall thereafter be permanently retained. Reason: In the interests of the visual amenity of the area.

6. CARBON REDUCTION AND WATER EFFICIENCY

The building hereby granted planning permission shall not be occupied unless an Energy Statement and Water Efficiency Statement applicable to that building has been submitted to and approved in writing by the planning authority, and thereafter any measures agreed within that submission have been implemented in full.

The Energy Statement shall include the following:

- Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development; and
- Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan.

The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques, along with evidence that the required BREEAM standard has been achieved.

Reason: To ensure the development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy R7 of the Aberdeen Local Development Plan.

7. RESTRICTED USE

That no cooking/frying operations or hot food preparation shall be carried out on the premises of the coffee shop hereby approved other than the re-heating of pre-cooked produce by means of a microwave oven. Reason: In the interests of the amenity of the surrounding area and in the absence of a suitable commercial Local Extract Ventilation (LEV system), the premises are

considered unsuitable for unrestricted Class 3 uses.

ADVISORY NOTES FOR APPLICANT

1. The access junction and any provision of dropped kerb(s) associated with this development should be designed to Aberdeen City Council standards. The development will require to be subject to a Section 56 Roads Construction Consent application and the applicant should contact Colin Burnet on 01224 522409 to discuss this matter in further detail