



Strategic Place Planning

Report of Handling

Site Address:	Esplanade Filling Station, North Esplanade West, Aberdeen, AB11 5RN
Application Description:	Installation of air/water/vacuum upstand and replacement of 3 parking spaces with 3 additional EV charging bays, erection of associated infrastructure including enclosure and upstands (retrospective)
Application Ref:	230675/DPP
Application Type:	Detailed Planning Permission
Application Date:	7 June 2023
Applicant:	Motor Fuel Ltd
Ward:	Torry/Ferryhill
Community Council:	Ferryhill and Ruthrieston
Case Officer:	Roy Brown

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises an area within the forecourt of a petrol filling station located to the west of, and accessed from, North Esplanade West. It is to the north of the Queen Elizabeth Bridge Roundabout and the site is bounded to the west by the C-Listed South College Street and Palmerston Road Railway Viaduct and Arches and to the north by a vacant commercial building. The site includes both car and HGV fuel points, associated retail unit, electric vehicle charging and vehicle washing infrastructure and two water, air and vacuum units.

In the south of the application site, six electric vehicle charging spaces with five upstands and an water, air and vacuum (WAV) unit have been installed. The WAV unit is located between the space that is closest to the vehicular entrance to the site and the entrance itself and a screen behind four of the bays (with unauthorised signage) have been installed. Whilst planning permission was granted for the installation of three charging spaces and associated infrastructure in April 2022, the works that have been undertaken do not correspond with what has been granted planning permission and are therefore unauthorised. Prior to the unauthorised development taking place, this area included standard parking spaces serving the site and had an air / water unit in the southwest corner of the site.

Relevant Planning History

In April 2022, planning permission Ref: 211462/DPP granted the installation of three electric vehicle charging bays and upstands with a canopy enclosure, a sub-station, an altered parking layout and WAV units. Permission was granted subject to a condition requiring that the spaces not be brought into use unless the two staff parking spaces to be formed at the north of the site. The

sub-station, electric cabinets and three of the spaces and upstands have been installed in accordance with the permission and therefore that permission has been implemented but not completed.

The remainder of the works (three standard parking spaces and the WAV unit) that have been installed on the site are similar to the plans that were initially submitted for the previous application (Ref: 211462/DPP) which were superseded to address concerns by the planning service and the Roads Development Management Team raised regarding road safety and the loss of parking provision. The plans were revised to address these issues and subsequently granted planning permission. This planning application seeks permission retrospectively for the works that have been undertaken on the site.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought retrospectively for the installation of a WAV unit, the replacement of three parking spaces with three additional electric vehicle charging bays with two upstands and the erection of associated infrastructure.

This results in the site having six electric vehicle charging bays, five charging upstands, a WAV unit, a bay screen to the south of the spaces, a 2.8m high section of wall, and an electric sub-station and enclosure, and an electric box.

The WAV unit is located adjacent to the easternmost charging space, c.2.2m to the south of the edge of the vehicular access. It is c.1.6m in height, c.1.4m in width and c.0.6m in length. The screen to the south of the spaces is a metal construction finished with powder-coated graphics (and an unauthorised advertisement). It is 3.3m in height and 12m in length. Other than the accessible space, the spaces are perpendicular to the forecourt, side-by-side and are 3m in width and 5m in length. The accessible space has 1.2m wide hatchings around it.

The charger upstands are c.3.1m in height, c.0.4m in width and c.0.9m in length. The substation (measuring c.3m x c.3m x c.2.5m) is cubic in form, finished in composite plastic and is located in the southwest corner of the site.

Amendments

None.

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=RVM64GBZK4R00>

- Planning Statement

CONSULTATIONS

Roads Development Management Team – Objection, having reassessed the submission, discussed it with other Roads colleagues, and weighed it up against current policies.

Significant discussion and deliberation went into the Roads Development Management response that accompanied the approved application, most of which covered why the layout which the applicant has persisted with and installed was not acceptable.

The primary concerns were and are the complete removal of all non-electric vehicle spaces, which leads to confusion as to where people who do not have electric vehicles can park, which is not ideal as the parking is immediately upon entering the site, and not a location where ambiguity would be encouraged. The staff parking that was previously proposed has not been installed, which is required, and was discussed previously.

It was also stated that the WAV unit should not be adjacent to an EV space, as the use of this would prevent the utilisation of an electric vehicle charging space, or discourage non-electric vehicle users from using them, as well as block visibility.

Whilst new electric vehicle standards are a minima and applicants do have scope for going above these, sites still need considered on a case-by-case basis. The proposal would provide fuelling bays and remove all parking provision for the site. This could result in cars parking poorly, leading to queuing out onto the road. This, coupled with the lack of parking for staff, and the site access visibility being hampered by the WAV unit machine leads the team to stand by its comments.

Ferryhill and Ruthrieston 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 making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 23 (Health and Safety)
- Policy 27 (City, Town, Local and Commercial Centres)

Aberdeen Local Development Plan 2023

- Policy B2 (Business Zones)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)

- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC1 (Vibrant City)
- Policy VC3 (Network of Centres)
- Opportunity Site 100 (OP100) – North Dee City Centre Masterplan Intervention Area

Aberdeen Planning Guidance

- Transport and Accessibility

Other Material Considerations

- City Centre Masterplan

EVALUATION

Main Considerations

Material to the assessment of this planning application are the provisions of the Development Plan, the context of the site and the current planning permission on the site of what previously has planning permission, as well as statutory consultation responses. In this instance, the key considerations in the determination of this application are the impact of the proposal on road safety and whether this outweighs the benefits of adding further electric vehicle charging points on the site in terms of climate mitigation and the decarbonisation of transport.

Local Development Plan Zoning

The application site is zoned within the City Centre boundary, Policy B2 (Business Zones) and Opportunity Site 100 (OP100) North Dee City Centre Masterplan Intervention Area on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP).

Whilst the site is land allocated as OP100 North Dee City Centre Masterplan Intervention Area and is zoned as the city centre, given the proposal would comprise development related to the existing use on the site, it would have no impact on the delivery of this allocated site or any implications on the delivery of the City Centre Masterplan.

Policies 27 (City, Town, Local and Commercial Centres) of NPF4, and VC1 (Vibrant City) and VC3 (Network of Centres) of the ALDP promote development that add to the viability and vitality of the City Centre. Policy B2 of the ALDP states that facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Business Zone for investment. Such facilities should be aimed at meeting the needs of businesses and employees within the Business Zone rather than the wider area. The provision of additional electric vehicle charging infrastructure would add to the attraction and sustainability of this Business Zone and would slightly add to the viability and vitality of the City Centre. As such, the development would accord with these policies in principle. However, because of the specific circumstances of the development and its site context, the development would be unacceptable for the reasons set out under the following headings.

Road Safety

Policy 23 (Health and Safety) of NPF4 aims to protect people and places from environmental harm and mitigate risks arising from safety hazards. Policy 13 (Sustainable Transport) of NPF4 states that development proposals will be supported where they provide low or zero-emission vehicle

charging points in safe and convenient locations, in alignment with building standards. Policy T2 (Sustainable Transport) of the ALDP is supportive of alternative fuel vehicles initiatives where appropriate.

To consider the matter of road safety, the locational context and the layout of the site are of relevance. The vehicular access to the site is from the highly trafficked North Esplanade West and the access is only c.15m from the exit of the Elizabeth Bridge Roundabout. The site layout is particularly constrained. All vehicular charging spaces (and the former parking spaces) are at the south of the site, which are immediately after the vehicular access upon entering the site. The area of the forecourt to the north of these spaces is used by vehicles that have only just entered the site from the access to its east; for those manoeuvring to enter the electric vehicle charging spaces to charge vehicles, use the WAV unit and park; and as an area to access the fuel pumps and car wash. The area is therefore used by vehicles for a number of purposes, it is relatively small in size and immediately after an access from a highly trafficked road which is only 15m beyond the exit of a roundabout. In this context, there is limited time and space in the forecourt for drivers to react or hesitate to decide where to park their vehicles.

Whilst Policy T3 (Parking) states that the principle of 'zero parking' shall be applied with respect to all new development in the city centre, given the nature and location of this site which is located immediately adjacent to a key road and is for the fuelling, washing and servicing of vehicles, it is anticipated that most users and customers do currently travel to this site by car. As such, there is an expectation that parking spaces should be retained for the existing use of the site.

The development has resulted in the removal of all standard parking spaces from the site and no new parking spaces have been formed to offset their removal. All spaces are marked as electric vehicle charging points and there is no indication that those using the site can park on these spaces. There are furthermore no other areas in the forecourt where cars would be able to park without blocking another use (such as a fuel pump, a charging point, the WAV unit or the car wash). As such, the absence of parking provision could result in ambiguity for drivers in choosing where to park and hesitation in the area of the forecourt to the north of the spaces which is immediately after the junction. This could result in vehicles parking poorly, the other functions of the site being blocked and leading to queuing out onto the highly trafficked road while vehicles wait to access the charging points and the WAV units with insufficient time to react. Given the specific circumstances of this site, this would be detrimental to road safety. The Roads Development Management Team concord within this position, and have objected to this planning application for these reasons. It is not known whether the existing layout has already resulted in road traffic incidents as this information is not available. The charging points would not be in a safe location, in conflict with Policy 13 (Sustainable Transport) of NPF4.

The proposal includes a WAV unit between the electric vehicle charging space closest to this vehicular access. The unit adversely affects the visibility between the vehicles leaving this space and those vehicles entering the site. Given many vehicles will be reversing out of this space (given the sockets of many electric vehicles are on the front of them) and the space is very close to the access, which itself is c.15m from a roundabout, the lack of visibility constitutes a road safety hazard. The Roads Development Management Team have objected on the grounds of road safety, raising this matter as a reason to object to the application.

It must be highlighted that this development has introduced this road safety concern. Excluding the areas adjacent to the fuel pumps, prior to the unauthorised development being undertaken, the site had six parking spaces to the south of the site. The previous planning application (Ref: 211462/DPP) was revised from its initial submission to retain three standard parking spaces and add two staff parking spaces at the north of the site. This was following concern raised by Roads Development Management Team regarding road safety regarding the removal of all standard parking spaces. The development that was granted planning permission would address the road

safety concern as there would be no ambiguity for drivers not charging their vehicles to decide where to park. Furthermore, the WAV unit would be sited to enable visibility.

In terms of the dimensions of the charging spaces, it can be noted that the three additional spaces themselves are, however, of acceptably sized dimensions in term of being 3m width and 5m length, and the accessible space having 1.2m wide hatched markings, in accordance with Transport and Accessibility Aberdeen Planning Guidance. However, this matter alone is of no relevance and does not offset the road safety concerns with this proposal.

Tackling the Climate Crisis and Sustainable Transport

In respect of NPF4, Policy 1 (Tackling the Climate and Nature Crises) states that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 2 (Climate Mitigation and Adaptation) states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. In considering the nature crisis as required by Policy 1 (Tackling the Climate and Nature Crises) of NPF4, Policy 3 (Biodiversity) is of relevance. This policy states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance and that measures should be proportionate to the nature and scale of development. Taking into account there is limited space within the site for biodiversity enhancements to be incorporated and the relatively small scale of the proposal, it is considered that the tension with Policy 3 (Biodiversity) of NPF4 is not to a degree whereby it warrants the refusal of planning permission.

The principle of providing additional electric vehicle charging points would accord with Policies 1 and 2 in terms of placing significant weight to climate change mitigation and supporting the decarbonisation of transportation and is supported by Policy 13 (Sustainable Transport). Policy T2 (Sustainable Transport) of the ALDP is furthermore supportive of alternative fuel vehicle initiatives. However, Policy 13 of NPF4 states that development proposals will be supported where they provide low or zero-emission vehicle charging points in safe and convenient locations, in alignment with building standards. In the context of this particular site and the layout of the development proposed, the adverse impact on road safety as a result of the loss of all non-electric vehicle charging parking spaces and the siting of the WAV unit outweighs the benefit to climate change mitigation that would arise from three electric vehicle charging points. The location would therefore not be safe, in conflict with Policy 13 (Sustainable Transport) of NPF4.

Design and Placemaking

To determine the effect of this building on the visual amenity of the area it is necessary to assess it in the context of Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP. Policy 14 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy D1 requires all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

Whilst the development is readily visible from public areas to the south, east and north, the screen (excluding its unauthorised advertisement), sub-station and associated infrastructure are consistent in design, scale, form and materials with the existing development on the forecourt of the site. Notwithstanding the presence of the C-Listed railway viaduct, the application site is adjacent to busy large roads and the surrounding built environment is otherwise commercial in nature. The proposal would not be attached to the C-Listed railway viaduct and thus in the context of the surrounding area it would not adversely affect the special character, appearance and

existing setting of this structure, in accordance with Policies 7 (Historic Assets and Places) of NPF4 and D6 (Historic Environment) of the ALDP. Taking into account that a canopy was previously granted planning permission at the south of the site, and there is already planning permission for the sub-station and electric box enclosures, these developments would have no impact on the visual amenity of the surrounding area. It must be noted that the existing unauthorised advertisement on the enclosure at the south of the site is not included in this assessment and requires advertisement consent separately. By way of their design, scale and siting, the proposed developments do not adversely affect the visual amenity of the surrounding area, in accordance with Policies 14 (Design, Quality and Place) of NPF4 and D1 (Quality Placemaking) of the ALDP. However, the development would be unacceptable because of the adverse impact on road safety.

DECISION

Refuse

REASON FOR DECISION

Due to the specific circumstances of the site, whereby the site layout is very constrained and the site access is in very close proximity to a highly trafficked road immediately after a junction, the removal of all standard non-electric vehicle charging spaces and the siting of the water, air and vacuum unit in a location that blocks visibility at the access of the site adversely impacts road safety. The removal of all standard parking spaces introduces ambiguity and hesitation for drivers entering the site regarding whether they will park in an area of the forecourt which is in very close proximity to the site access and could result in vehicles queuing onto a highly trafficked road. The Council's Roads Development Management Team have objected to this application on road safety grounds.

In reaching this determination, the planning service has placed significant weight on considering the benefits of additional electric vehicle charging infrastructure in terms of contributing to the decarbonisation of transport and tackling the global climate crisis. Indeed, the addition of electric vehicle charging points would accord with the aims of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Change Mitigation and Adaptation) of National Planning Framework 4 and the principles of supporting sustainable transport infrastructure in Policy 13 (Sustainable Transport) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023. However, Policy 13 requires low or zero-emission vehicle charging points to be in 'safe and convenient locations'. Because of the specific circumstances of this site and its constrained layout, the benefits that would arise from the addition of three charging spaces (beyond what has been granted by Planning Permission Ref: 211462/DPP) in terms of climate mitigation would not outweigh the road safety impact that would arise from this development proposal. The development would not provide electric vehicle charging points in a safe location, in conflict with the aims of Policy 13 (Sustainable Transport) of the National Planning Framework 4 and, on balance, the decision is to refuse the application.