

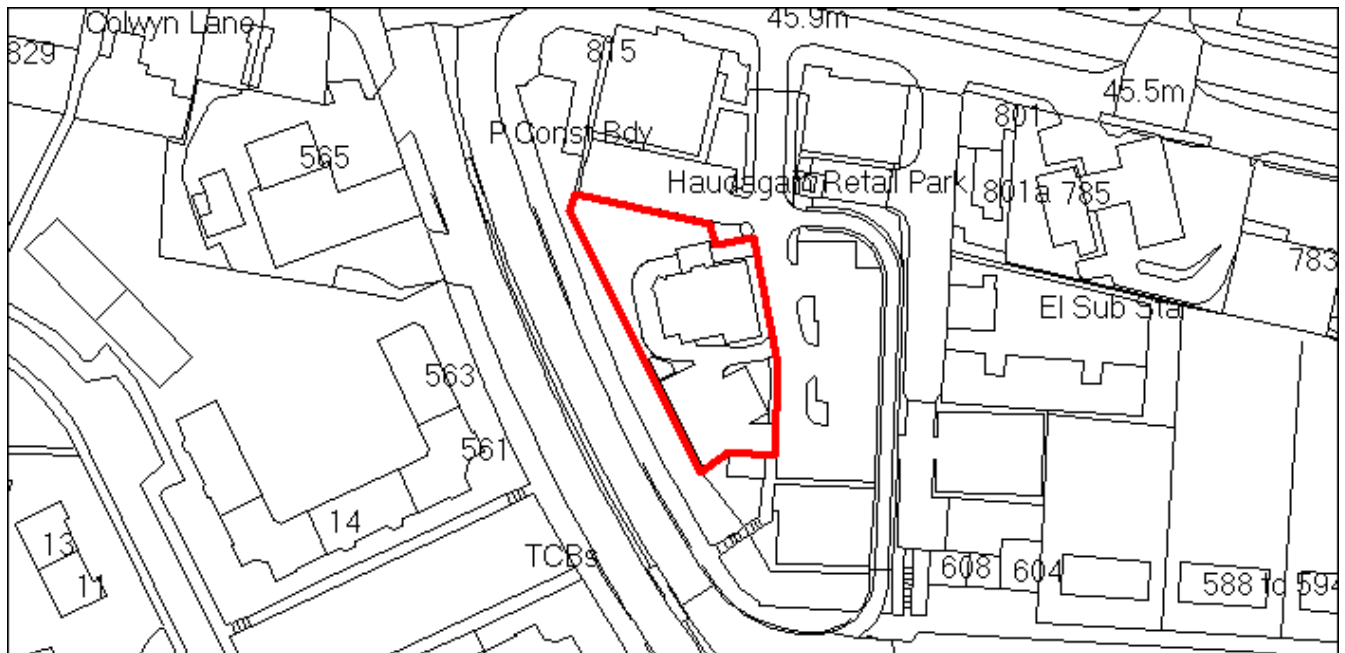
HAUDAGAIN RETAIL PARK, UNIT 3 GREAT  
NORTHERN ROAD, ABERDEEN

EXTENSION AND ALTERATION TO EXISTING  
DRIVE-THRU RESTAURANT, ALTERATIONS  
TO CAR PARK AND PROVISION OF  
EXTERNAL CUSTOMER SEATING AREA

For: Herbel (Northern) Ltd

Application Type : Detailed Planning Permission  
Application Ref. : P121763  
Application Date: 21/12/2012  
Officer: Robert Forbes  
Ward : Hilton/Stockethill (G Adam/K Blackman/L  
Dunbar)

Advert : Section 34 -Proj. Pub.  
Concern  
Advertised on: 16/01/2013  
Committee Date: 18 April 2013  
Community Council : No response  
received



**RECOMMENDATION:**

**Approve subject to conditions**

## **DESCRIPTION**

The site comprises part of the Haudagain Retail Park. It is used as a “drive thru” restaurant / take-away with associated car parking / circulation space. The building is set at a significantly lower level than the adjacent main road to the west and the housing beyond that. There are incidental areas of open space within the site and substantial areas of open car parking within the wider retail park, including a largely disused area of car parking at the east end of the retail park. Vehicle access to the retail park is via Great Northern Road and Clifton Road, via a ramp.

## **RELEVANT HISTORY**

Planning permission for the erection of the retail park, including the “drive thru” restaurant and associated car parking / access ramp, on land formerly used as allotments, was granted in the 1990s and was implemented.

## **PROPOSAL**

This is an application for detailed planning permission to alter and extend the existing building and adjust the associated car parking / circulation arrangements. Approximately 120 square metres of additional floorspace would be provided in an extension to the south of the existing building and an associated external seating area. The building elevations would be altered to create a more contemporary appearance. The external materials would comprise curtain wall glazing, grey rendered masonry walls, grey metal fascia cladding panels and a red metal clad fin wall feature on the east elevation. The main public area of the extension would be at its eastern side, with a dry goods store and bin store enclosure occupying the western section. Amendments have been made to the design of the building to retain the existing roof tower feature, which was originally proposed to be overclad with red aluminium panels and to have its pitched roof removed.

The car parking and external landscape area would be adjusted to accommodate the need for retention of a customer car stacking lane within the site, which would be increased in length / capacity by one space. The overall number of car parking spaces within the wider retail park would be reduced from 80 to 72 spaces. The existing access arrangements would be retained and an adjusted pedestrian access provided to link with the existing access steps on North Anderson Drive.

## **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?121763>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

## **REASON FOR REFERRAL TO SUB-COMMITTEE**

The application has been referred to the Sub-committee because it required to be advertised as a project of public concern. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Project Team** – Note that the proposal has been amended in accordance with their comments and have no objection;

**Environmental Health** – Request that a condition be imposed in order to restrict the hours of operation of the external seating area due to the potential for creation of noise disturbance to nearby residents;

**Enterprise, Planning & Infrastructure (Flooding)** - No observations;

**Community Council** - No response received

## REPRESENTATIONS

None

## PLANNING POLICY

**National Policy and Guidance** - SPP regarding transport seeks to minimise travel by private car and encourage alternative travel modes.

### **Aberdeen Local Development Plan**

The site lies within an H1 residential area which has an objective to protect existing residential amenity. Policy D1 (Architecture and Placemaking) seeks to ensure high standards of design. Policy D3 (Sustainable Travel) seeks to ensure development is designed to minimise travel by private car. Policy D6 (Landscape) seeks to ensure protection and enhancement of existing landscape assets, including green spaces. Policy T2 (Managing Transport Impact) seeks to minimise traffic generation and sets maximum parking standards.

## EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

The proposal is a minor extension to an existing established use. It is considered to be compatible with the residential amenity of the surrounding area and H1 policy in the local plan given the significant distance from the closest adjacent dwellings (38 m), the presence of a heavily trafficked major road between the development site and the closest houses and the modest size of the proposed extension. Given that there is no time limit imposed on the operation of the existing restaurant / take away facility, it is considered unreasonable to impose such a restriction on the proposed external seating area. The revised proposal has addressed concerns regarding loss of open space and design. Subject to imposition of conditions regarding provision of landscaping, it is considered to accord with local plan policies D1 (Architecture and Placemaking) and D6 (Landscape).

The level of car parking which would be provided within the application site is considered to be acceptable in terms of SPP regarding transport, the council's maximum parking standards and local plan policy T2. The Council's Roads officers are satisfied that the level of such provision would be appropriate and

have not raised any safety concerns regarding this matter. The proposed pedestrian facilities would enhance the existing situation and would improve pedestrian connection to North Anderson Drive in accordance with the objective of local plan policy D3 (Sustainable Travel).

### Legal Challenge

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the plan only in so far as it related to Issue 64 (Allocated Sites: Woodend...Summerhill... etc.) and that it would be disproportionate to quash the whole plan.

This evaluation has had regard to and taken into account the legal challenge. None of the policies or material considerations which apply to this application would be affected by the terms of Tesco's challenge. The recommendation would be the same if the application were to be considered in terms of the 2008 Aberdeen Local Plan.

## **RECOMMENDATION**

**Approve subject to conditions**

### **REASONS FOR RECOMMENDATION**

The proposal is a minor extension to an existing use and is compatible with the residential amenity of the surrounding area and H1 policy in the local plan given the significant distance from adjacent dwellings. The revised proposal has addressed concerns regarding loss of open space and design and subject to conditions regarding provision of landscaping accords with local plan policies D1 (Architecture and Placemaking) and D6 (Landscape).

### **CONDITIONS**

**it is recommended that approval is granted subject to the following conditions:-**

(1) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing

trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(2) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(3) that the development hereby approved shall not be occupied unless the revised car parking areas and pedestrian facilities proposed within the site have been constructed, drained, laid-out and demarcated in accordance with drawing No.12-188-04 A of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing for the purpose by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the ancillary parking of cars or the enabling of access to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.