



Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30th September 2021

Site Address:	Craigshaw House, Craigshaw Road, Aberdeen, AB12 3AS.
Application Description:	Redevelopment of an existing site, including change of use to class 3 (food and drink) with erection of 2 drive thru restaurants (sui generis) with associated infrastructure and car parking
Application Ref:	210015/DPP
Application Type	Detailed Planning Permission
Application Date:	11 January 2021
Applicant:	CTL Estates Management
Ward:	Kincorth/Nigg/Cove
Community Council:	Torry
Case Officer:	Gavin Clark



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site, which extends to approximately 5550 sqm, is located adjacent to Wellington Road, at its junction with Craigshaw Road. The site was most recently occupied by a vacant office building (vacant since November 2015) with associated parking and landscaping, known as Craigshaw House, which was constructed in the mid-2000s and has recently been demolished and the site is currently cleared. The interior of the site is relatively flat, with landscaped embankments to Wellington Road and the offices to the north, which sit at a higher level than the application site to the east. A belt of trees exists on the western boundary. Access to the site is taken from Craigshaw Road to the north, with the access being 75m from the junction with Wellington Road. The surrounding area is mixed use in nature and includes office accommodation and car showrooms. Residential use is found on Abbotswell Road 230m to the northeast, Wellington Road 70m to the south-east and on Girdleness Road 320m to the north. The recently constructed Lidl supermarket is located to the north-east and a Costa drive thru is located north of the Arnold Clark showroom opposite the site (also located to the north).

Relevant Planning History

Planning permission (Ref: A6/2030) was approved in June 2007 for the erection of a three-storey office building with associated car parking. This permission was subsequently implemented, and the building has since been demolished.

APPLICATION DESCRIPTION

Description of Proposal

The application seeks detailed planning permission for the redevelopment of the vacant brownfield site, including change of use to class 3 (food and drink) and the erection of two drive thru restaurants (sui generis) with associated means of access, car parking, cycle parking and hard and soft landscaping. Supporting information suggests that the units would be occupied by chains 'McDonalds' and 'Tim Hortons'.

An existing access to the site from Craigshaw Road would be upgraded and utilised for access and egress for both pedestrians and vehicles. The single storey buildings would be positioned at the northern and southern ends of the site with associated parking facilities located between. The 'drive thru' order roads would be positioned between the rear of the buildings and the site boundaries, north and south respectively. The southern building would be single storey in appearance with glazing on the eastern, southern and northern elevations. The northern building would similarly be single storey in appearance and would include glazing on the southern, western and eastern elevations.

The site layout retains and alters area of existing soft landscaping on the Wellington Road and Craigshaw Road frontages, with additional areas of landscaping also proposed throughout the site. An existing pedestrian only access would be utilised from Wellington Road. The proposal also includes the provision of 61 parking spaces, which would include 4 EV charging spaces, 4 disabled parking spaces and 2 motorcycle parking spaces. Cycle parking would also be provided at each unit. Other facilities associated with each drive thru, including barriers, and ordering facilities are also proposed.

There would be a mix of boundary treatments including a 2.4m high retaining wall on the southern boundary and a 1.2m high timber fence along the same boundary would be installed atop of this retaining structure. The 1.8m high timber fence on the western elevation would be removed, and the existing chain-link fences on the northern and eastern elevations would be removed, with each of these elevations remaining open.

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=QMMF29BZFTL00>

- Planning Statement
- Phase 1 Desk Study – Contaminated Land
- Transport Assessment (Updated April 2021)
- Arboricultural Report
- McDonalds Delivery Information
- Noise Impact Assessment
- Air Quality Assessment
- Odour Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and is considered to be contrary to the adopted development plan strategy.

CONSULTATIONS

ACC - Roads Development Management Team – have no objection to the proposal following the submission of amended/ revised plans. Their response will be discussed in greater detail in the evaluation section of this report.

ACC - Waste and Recycling – have advised of the waste management requirements for the proposed development, noting that they can only provide a general response due to ACC not being the only waste service contractor available in the city.

ACC - Environmental Health – noted that the proposal has potential to cause odour and noise impact on existing properties both on their own or due to a cumulative effect, as a result they required the submission of an Odour Assessment and Noise Impact Assessment. Both of these documents were submitted, and their findings were considered to be acceptable.

In terms of air quality, they noted that the site was located in close proximity to an AQMA, and that the development is likely to increase vehicle usage in the surrounding area. They therefore requested the submission of an Air Quality Assessment. This document was also submitted, with the findings considered to be acceptable.

Both of these reports will be discussed in greater detail in the evaluation section of this report.

ACC - Contaminated Land Team – reviewed the submitted desk study and are in agreement with the conclusions and recommendations. Note that an intrusive site investigation will be required in due course – this matter to be controlled via an appropriately worded planning condition. Their response will be discussed in greater detail in the evaluation section of this report.

Torry Community Council – no response received.

REPRESENTATIONS

Two valid and timeously made representations have been received in relation to this application. This includes one letter of objection and one neutral comment. The matters can be summarised as follows:

1. The number of trees proposed versus those being removed is unacceptable and there should be a requirement to not only replace the number of trees taken down but add more (objection).
2. The development requires a higher number of EV chargers than just one (undefined) charging post and bay). The site is the ideal location for 2 rapid or faster bays (i.e., 4 bays), which should be the default position for drive thru restaurants (neutral comment).

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 was approved in 2014. An updated version published in December 2020 is currently subject to challenge, therefore SPP 2014 remains in place.

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

The Strategic Development Plan 2020 was published in August 2020. The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years and promotes a spatial strategy for the next 20 years. Aberdeen City is designated as a Strategic Growth Area. The following general targets are identified; promoting diversified economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change and limiting the number of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

Aberdeen Local Development Plan (2017)

- D1: Quality Placemaking by Design
- D2: Landscape
- NC5: Out of Centre Proposals
- NE5: Trees and Woodland
- NE6: Flooding, Drainage and Water Quality
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Buildings & Water Efficiency
- B1: Business and Industrial Land
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise

Supplementary Guidance and Technical Advice Notes

- Flooding, Drainage and Water Quality
- Noise
- Air Quality
- Resources for New Development

- Transport and Accessibility
- Trees and Woodlands

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. In this case, the following policies within the PALDP are of relevance, however it is noted that there is no fundamental change in the zoning of the land.

- D1: Quality Placemaking
- D2: Amenity
- D5: Landscape Design
- B1: Business and Industrial Land
- NE4: Our Water Environment
- NE5: Trees and Woodland
- R5: Waste Management Requirements for New Development
- R6: Low and Zero Carbon Buildings, and Water Efficiency
- WB3: Noise
- WB4: Air Quality
- T2: Sustainable Transport
- T3: Parking

EVALUATION

Principle of Development

The application site lies within an area designated in the Aberdeen Local Development Plan (ALDP) as Business and Industrial Land, where Policy B1 of the ALDP applies. This policy promotes the retention of business and industrial land identified in the ALDP for uses within Class 4 (Business), Class 5 (General Industrial) or Class 6 (Storage and Distribution) of the Town and Country Planning (Use Classes) (Scotland) Order and its safeguarding from other development types. It also advises that other uses which may be suited to a business and industrial location, such as car showrooms and bus depots will be considered on their own merits. Facilities that directly support businesses 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 Class 3 uses with associated drive thru restaurants do not fall within Class 4, 5 or 6 of the Use Classes Order, nor is it considered that the proposed use is of a type comparable to car showrooms or bus depots in terms of appropriateness for location in a predominantly business and industrial area. It is noted that some of the custom for the facilities would be drawn from those

employed in the surrounding business and industrial land, however it would serve a much larger catchment area being located on one of the main thoroughfares into Aberdeen (Wellington Road). It is therefore considered that the proposed uses could not be reasonably characterised as *“aimed primarily at meeting the needs of businesses and employees within the business and industrial area”* for the purposes of consideration against Policy B1.

On the basis of the above evaluation, the proposal represents a departure from the Development Plan, specifically in terms of the food and drink and sui generis drive thru facilities not being in line with the relevant zoning policy, B1 (Business and Industrial Land).

What therefore needs to be considered is whether there are any material planning considerations that would justify the granting of planning permission as a departure from the adopted Local Development Plan.

The applicant's supporting Planning Statement indicates that the office building previously on the site (which has since been demolished) had lain vacant since November 2015. The demolition was instigated because the owners found it no longer viable to be retained as vacant office accommodation with little prospect of occupation. The applicants also noted the over supply of office accommodation in Aberdeen, along with the current market conditions, which made office accommodation and buildings such as Craigshaw House unviable. Supporting information also suggests that the only viable option was redevelopment along the lines of what is proposed in the current application.

On the basis of the above information, along with the supporting letter from the marketing agent, it is considered unlikely that a new Class 4, 5 or 6 occupiers would be identified for this relatively compact site in the near future given the current economic climate and the current supply of other, larger and therefore more desirable, sites presently found in business and industrial land throughout the city.

As a brownfield opportunity, the site could in theory be developed for a new Class, 5 or 6 use in line with Policy B1. Such development would align with the desires of Scottish Planning Policy for sustainable development, and the use of brownfield land. However, given the statements provided above, there is already a significant supply of marketable and available business land available in the city at present. A site of 5550 sqm, which is bound by a variety of uses including car showrooms, a supermarket and office accommodation is not desirable for business and industrial occupants, given larger, more flexible sites can be found elsewhere in more attractive locations. In addition, and from an economic perspective, the financial viability of a new office development would also be debatable on this corner site, which is already surrounded by a number non-business/industrial uses, including a recently constructed Costa Coffee drive thru to the north.

The character of the area is already undergoing significant change and whether the proposed use would conflict with surrounding business and industrial uses has to be considered against this evolving context. The application site is in an extremely accessible location adjacent to Wellington Road, which is generally characterised by car showrooms, a supermarket and business/ office accommodation, residential properties/ guest houses, along with a similar drive thru facility located to the north (Costa Coffee). There are also established residential areas found within walking distance of the application site boundary (as mentioned in the description of development). As such, the area is considered to be transforming towards a mixture of uses, and away from being an exclusively business and industrial environment. The proposed drive thrus, are, therefore, considered to be complementary to, rather than conflicting with, the range of surrounding uses.

The ALDP also states at Para 2.2 that *“regeneration of city centre and other brownfield sites throughout the existing built-up area for appropriate uses will be encouraged”*. It is considered through the above evaluation that such a proposal would be acceptable on this brownfield site. In

terms of Para 2.3, the proposed development could also be seen to *“make a significant contribution to the overall sustainability aims of the plan”* and such a development could also be supported by Para 2.9 of the plan where *“redeveloping the urban area can regenerate areas, maintain local services, removal local areas and bring land and buildings back into an effective use”*.

As a result of the above assessment and considerations, it is considered that there are sufficient material considerations that would warrant a departure from the business and industrial zoning of the site in this instance.

Retail Impact and Sequential Approach

In terms of a review of the proposal against Policy NC5 (Out of Centre Proposals), it is considered that such a development would primarily focus on serving the needs of the local area, whilst also acknowledging as having trade from one of the adjacent main thoroughfares into Aberdeen from the south. The size of the two facilities, at 260sqm and 350sqm would be unlikely to cater for any significant numbers of users – therefore it is not anticipated that they would be a significant footfall generating development. In terms of a sequential approach, it is considered that there are no other sites within existing centres, such as the defined Torry Town Centre on Victoria Road, which could accommodate the format of the development proposed. There are also no other sites in the immediate surrounding area (other than those vacant and under a similar use class) available to facilitate such a development. None of the other vacant sites would benefit from a location so close to the main arterial route that would make them viable as sites for drive thru use. Due to their modest scale and the fact that they would mainly cater for employees on the adjoining industrial estate and passing traffic it is not anticipated that the developments would have a detrimental impact to the wider vitality and viability of the existing retail centres in either the immediate surrounding area (Torry and Kincorth), or the city centre.

As noted above, the wider site already supports retail and mixed uses. The provision of such a small area of floorspace (510 sqm combined) is considered not to have any significant adverse effect on the vitality or viability of any identified retail location in the City.

Layout, Siting and Design

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

In this instance, it is noted that both buildings would be single storey in height and would be of a scale and appearance which would generally comply with the surrounding context, which includes buildings of a similar scale (including a single storey supermarket, single storey garages and two/ three storey office accommodation). The designs would also be typical of such restaurants and are found throughout the city and country. The proposal has been designed with due consideration for its context and would have no adverse impact on the character or amenity of the surrounding area. As a result, it is considered that the layout, siting and design of the development would comply with Policy D1 (Quality Placemaking by Design) of the ALDP.

Landscaping/ Trees

Policy D2 states that *“developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development”*, whereas Policy NE5 states *“there is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodland that contribute to nature conservation, landscape character, local amenity or climate change adaption or mitigation.*

The landscaping proposal has been amended since the original submission, following receipt of comments from colleagues in Environmental Policy (EP). The revised layout is a reasonable compromise and would result in a significant amount of the existing arboricultural features being retained – although noting that a number of the trees on the western elevation would be removed to facilitate additional parking. Concerns were raised that the replacement tree planting was utilising particularly small stock and it is necessary to use heavy standard trees to ensure immediate impact. A tree planting methodology and associated updated landscaping plan to accommodate the above suggestions would be controlled via condition. This would ensure that tree stock would be replaced in greater numbers of site, and further additional landscaping would be provided to enhance the attraction of the site. It is considered that subject to these works taking place the proposed development would comply with Policies D2 (Landscape) and NE5 (Trees and Woodlands) of the ALDP, along with the associated SG: Trees and Woodlands.

Noise and Air Quality

Policy T5 advises that *“there will be a presumption against noise generating developments, identified by an NIA, being located close to noise sensitive developments”*. Whereas Policy T4 advises that *“development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Authority”*.

In this instance the proposal has been subject to consultation with colleagues in Environmental Health (EH). In their initial response they noted that the proposal for two restaurants has the potential to cause odour and noise impact on existing properties both on their own and due to the cumulative impact. They therefore requested the submission of a Noise Impact Assessment (NIA) and the submission of an extract ventilation assessment (including an odour impact assessment) to assess the impact of the proposed development.

The requested assessments were subsequently submitted and reviewed by colleagues in EH. In terms of Noise, the NIA was submitted and reviewed by colleagues in Environmental Health. They were content with the findings of the report provided the plant installed does not exceed the emissions levels used within the noise modelling and the octave band sound pressure does not exceed those contained within the assessment. These matters can be controlled via an appropriately worded planning condition.

In terms of odour, the submitted assessments have also been reviewed. In terms of the proposed “McDonalds” northern unit colleagues in EH accept the development provided the application of critical odour mitigation measures achieving at least an equivalent effect of those measures contained within the assessment take place. This matter can be controlled via condition. They have also suggested the insertion of an advisory note requiring the operator to establish a written Odour Management Plan including cleaning and maintenance procedures for the plant, to reduce risk of malodour and statutory nuisance.

In relation to the proposed “Tim Hortons” southern unit and odour control, the submitted assessment advises there will be no kitchen extract fans and the facility will have two internal ovens for baked goods. Such operation is acceptable however, due to the absence of a suitable Local Extract Ventilation system, the premises are considered unsuitable for unrestricted Class 3 uses and colleagues in EH have requested a suitably worded condition to restrict cooking activities which are more likely to give rise to odour emissions, to control this aspect of the proposal.

In terms of air quality, although the site is not within an Air Quality Management Area (AQMA), one exists in close proximity to the site. EH noted that the development, and the associated increase vehicle movements has the potential to increase traffic volumes on the surrounding network and AQMA, the cumulative impact of this development, along with residential developments in the surrounding area, may be significant and as a result they requested an air quality assessment to

consider the overall impact of all developments. The air quality impact assessment was subsequently submitted and reviewed by colleagues in EH. In relation to traffic pollutant levels at sensitive receptors the findings of the report are accepted including the conclusion that no significant impact is predicted on existing residents as a result of the development.

As a result of the above evaluation, and subject to the insertion of suitably worded planning conditions it is considered that the proposed development would comply with the aspirations of Policies T4 (Air Quality) and T5 (Noise) of the ALDP along with its associated SG.

Transport

Policy T2 advises that *“new development must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel”*. In addition, Policy T3 advises *“new development must be accessible by a range of transport modes with an emphasis on active and sustainable transport”*.

The proposal has been assessed by colleagues in Roads Development Management (RDM). In terms of walking and cycling, they acknowledge that the site has good accessibility for pedestrians and cyclist and note that the upgraded access road will provide dropped kerbs and tactile paving at the junction with Craigshaw Road. They have also noted that tactile paving will be provided at all crossings within the site. The plans have been amended to include an easier walking route through the site and colleagues in RDM have raised no further objection to this aspect of the proposal.

In terms of public transport, they note that there are regularly serviced bus stops on both sides of Wellington Road, within 150m of the site, and as such, the site is considered to be easily accessible by public transport.

In terms of parking, the overall provision within the site has been reduced from 68 to 61 in order to provide a more attractive site layout, allowing for the provision of additional tree planting and the retention of landscaping (which will be discussed elsewhere in this report. The provision will include 4 EV charging spaces, 4 disabled parking spaces and 4 motorcycle parking spaces, which would comply with the criteria set out in the SG: Transport and Accessibility. Colleagues in RDM accept the shortfall in parking (relative to the maximum parking standard), as it is outweighed by the betterment to the site brought about by the reduction in car parking.

In terms of the internal road layout, the applicants have advised that this has been developed with the operator's participation to minimise potential vehicle stacking with the internally access roads and to allow safe transition of vehicles to the drive thru lanes. Both operators have standard layouts and set requirements, and the current layout is favoured by both operators for the functioning of each unit. The layout and justification for the internal road layout has been accepted by RDM. The applicants have also revised the proposal to provide an updated site layout, which provides traffic calming on approach to the internal bends and junctions. This is also considered to be acceptable.

The applicant was also asked to investigate the impact on the adjacent A956 Wellington Road/ Craigshaw Road junction, as it is noted that this is a concern with a number of similar type restaurants/ drive thrus throughout the country with regards to the potential stacking of traffic outwith the site. RDM have confirmed that the applicant has adequately justified that there will be no notable impact from the development on the road network, and there is no requirement for any further junction analysis. It should also be noted that Craigshaw Road has double yellow lines for its length.

RDM have also requested the submission of separate Staff Travel Plans for each unit. This aspect could be controlled via appropriate conditions.

Following the submission of amended plans, colleagues in RDM are content with the proposal and note an acceptable parking layout, servicing arrangement and access amongst other aspects. The proposal is therefore considered to comply with the general aspirations of Policies T2 (Managing the Transport Impact of Development and T3 (Sustainable and Active Travel) of the ALDP, as well as its associated SG in relation to Transport and Accessibility.

Colleagues in RDM also reviewed the submitted drainage information, which shows that the mitigation indices exceed the pollution indices. They have indicated that they were unfamiliar with porous tar being used as a drainage feature and would request that a raised gully is placed to the rear of any parking area, where the contours slope towards the rear, as such surfaces are often overwhelmed, leading to pooling water and flooding. It is considered that their use, and provision of such gullies could be controlled via condition. As no further objections/ observations have been received regarding the drainage information, the proposal is considered to comply with Policy NE6 (Flooding Drainage and Water Quality) of the ALDP, along with its associated SG.

Waste and Servicing

In terms of servicing, this element of the proposal has also been reviewed by colleagues in RDM. The layout of the roads has been slightly revised, and swept path has been submitted so show that the site can be adequately serviced. RDM noted that servicing of one of the units involves overrunning of a number of parking spaces (approximately 33%). They asked the applicant to submit examples of where this servicing strategy has previously been utilised, and following consultation with other Councils, where it was noted that there was no noticeable detriment, colleagues in RDM confirmed their satisfaction with the servicing arrangements proposed. They also noted that this element of the proposal would be monitored. Colleagues in Waste Management also confirmed that they had no objection to the application and advised of the required waste management requirements and the proposal would therefore comply with Policy R6: Waste Management Requirements for New Developments of the ALDP.

Contaminated Land

Policy R2 advises that the *“City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use”*. In this instance, the previous uses of the site are noted, and a desk study was submitted in support of the application. This was reviewed by colleagues in Contaminated Land who were content with the findings of the report and noted that a further site investigation would be required (and which could be controlled via condition). The proposal would therefore not conflict with Policy RE2 (Degraded and Contaminated Land) of the ALDP.

Carbon Emissions and Water Efficiency

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 could be controlled via an appropriately worded planning condition to ensure compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the ALDP and its associated SG.

Matters Raised in Representation

The matters raised in representation, which related to landscaping and loss of trees (which has been amended since the original submission) and the provision of EV charging facilities (which has been amended to comply with SG) have been discussed elsewhere in this report.

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

That the proposal to erect two Class 3 (Food and Drink) units with associated drive thru facilities (sui generis), on a brownfield site which has been vacant for a significant period of time is considered to complement the existing range of uses found within the surrounding area. The likelihood of the site being re-used for mainstream business use or being financially viable for a new office development is limited, given the size, nature and location of the site. Whilst not being solely for the needs of employees or occupants of the surrounding area, it is considered that the proposal could largely serve the needs of the mix of uses found in the surrounding area, in the spirit of Policy B1. It is also acknowledged that the site will benefit from trade from one of the adjacent main thoroughfares into Aberdeen from the south. It is therefore considered that the proposed development would be acceptable as a departure from Policy B1 (Business and Industrial Areas) of the Aberdeen Local Development Plan.

Furthermore, in relation to Policy NC5 (Out of Centre Proposals), the proposal would not have a detrimental impact on the vitality and viability of existing shopping centres/ locations in the Hierarchy of Retail Centres. The size of the two facilities is unlikely to result in significant numbers of users. In terms of a sequential approach, it is considered that there are no suitable sites within existing centres. Due to their modest scale and the fact that they would mainly cater for employees on the adjoining industrial estate and passing traffic it is not anticipated that the developments would have a detrimental impact to the wider vitality and viability of the existing retail centres in either the immediate surrounding area (Torry and Kincorth), or the city centre. The proposal has been designed with due consideration for its context and all other technical matters have been resolved or can be controlled via an appropriately worded planning condition. The proposal is therefore considered to comply with Policies D1: Quality Placemaking by Design, D2: Landscape, NE5: Trees and Woodland, NE6: Flooding, Drainage and Water Quality, R6: Waste Management Requirements for New Development, R7: Low and Zero Carbon Buildings & Water Efficiency, T2: Managing the Transport Impact of Development, T3: Sustainable and Active Travel, T4: Air Quality and T5: Noise of the adopted Aberdeen Local Development Plan, as well as its associated Supplementary Guidance relating to Flooding, Drainage and Water Quality, Noise, Air Quality, Resources for New Development, Transport and Accessibility and Trees and Woodlands.

For similar reasons the proposal would also comply with Policies D1: Quality Placemaking, D2: Amenity, D5: Landscape Design, NE4: Our Water Environment, NE5: Trees and Woodland, R5: Waste Management Requirements for New Development, R6: Low and Zero Carbon Buildings, and Water Efficiency, WB3: Noise, WB4: Air Quality, T2: Sustainable Transport and T3: Parking of the Proposed Aberdeen Local Development Plan 2020. A departure from Policy B1: Business and Industrial Land can be justified for similar reasons as set out above.

CONDITIONS**1. Land Contamination**

That no development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:

- a) an investigation to determine the nature and extent of contamination
- b) a site-specific risk assessment
- c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed; and
- d) verification protocols to demonstrate compliance with the remediation plan

No building(s) on the development site shall be occupied unless: any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; an a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building(s) on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation. Reason: to ensure that the site is fit for human occupation.

2. Car Parking

That neither of the units hereby approved shall be brought into use unless the approved areas of car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. A-218848-PRO L001 T 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 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.

3. Electric Vehicle (EV) Spaces and Infrastructure

That the development hereby granted planning permission shall not be occupied unless Electric Vehicle spaces and associated infrastructure has been constructed, drained, laid-out and demarcated as shown on the approved site plan drawing No. A-218848-PRO L001 T. Reason: in order to promote the decarbonisation of road transport and to ensure compliance with the Council's 'Transport and Accessibility' Supplementary Guidance.

4. Cycle Parking (Short and Long Stay)

That the development hereby granted planning permission shall not be brought into use unless the cycle storage facilities as shown on drawing no. A-218848-PRO L001 T 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).

5. Carbon Reduction and Water Efficiency

The building(s) 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 items:

- 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 2017.

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 this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy R7 of the Aberdeen Local Development Plan 2017.

6. Noise Impact Assessment Compliance

That the units hereby approved shall not be occupied unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (Envirocentre Ltd Reference: Document Number: 9658, project Number: 374689, 30 July 2021) These shall include, but not be restricted to the following measures contained within the Noise Impact Assessment:

- A) The plant installed does not exceed the noise emission levels used within the noise modelling, specifically the A Weighted Sound Power Levels detailed within Tables 5-1 and 5-2; and
- B) The octave band sound pressure levels from the plant do not exceed the 'Proposed Specific Noise Level (internal)' detailed within Figure 6-1 Night-time NR Assessment.

Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the Planning Authority. Reason: in the interests of amenity.

7. Odour Impact Assessment Compliance

That the units hereby approved shall not be occupied unless the odour mitigation measures have been installed in accordance with the conclusion and recommendations set out in the Odour Impact Assessment (Envirocentre Ltd Reference: Document Number: 9657, project Number: 374689, 30 August 2021). These shall include, but not be restricted to the following measures contained within the Odour Impact Assessment:

- A) Discharge of the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen; and
- B) Application of any one of the four recommended odour mitigation solutions for high level odour control: 1) Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.2-0.4 second residence time). 2. Fine filtration or ESP followed by carbon filtration and by carbon filtration and by counteractant/neutralising system to achieve the same level of control as 1. 3. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1; or Fine filtration or ESP followed by wet scrubbing to achieve the same level of control as 1."

Reason: in the interests of the amenity of the surrounding area.

8. Restricted Use – Southern Unit

In relation to the southernmost hereby granted planning permission (as shown on drawing no: A-218848-PRO L001 T), no cooking/frying operations or hot food preparation shall be carried out on the premises other than the re-heating of pre-cooked produce by means of a microwave oven, unless the planning authority has given prior written approval for a variation. Reason: due to the absence of a suitable Local Extract Ventilation (LEV system) the premises are considered unsuitable for unrestricted Class 3 uses.

9. Landscaping Scheme

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. For avoidance of doubt this should include heavy standard trees and greater numbers than shown in the previous submissions to ensure an immediate impact. Reason: in the interests of the amenity of the area.

10. Tree Protection Measures

That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented. Reason: in order to ensure adequate protection for the trees on site during the construction of the development.

11. Storage of Materials

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks. Reason: in order to ensure adequate protection for the trees on site during the construction of the development.

12. Green Travel Plan

That neither of the units hereby granted planning permission shall be occupied unless there has been submitted to and approved in writing a detailed Green Travel Plan for staff, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets. Reason in order to encourage more sustainable forms of travel to the development.

13. Gullies

That the development hereby granted planning permission shall not be brought in to use unless gullies are installed to the rear of any parking areas where the contours slope towards the rear. Details of such a scheme shall be submitted to, and approved in writing by the Planning Authority, and thereafter installed in accordance with the approved scheme. Reason: to ensure that the site can be adequately drained.

ADVISORY NOTES FOR APPLICANT

1. Operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
2. The access junction improvements are to 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.