

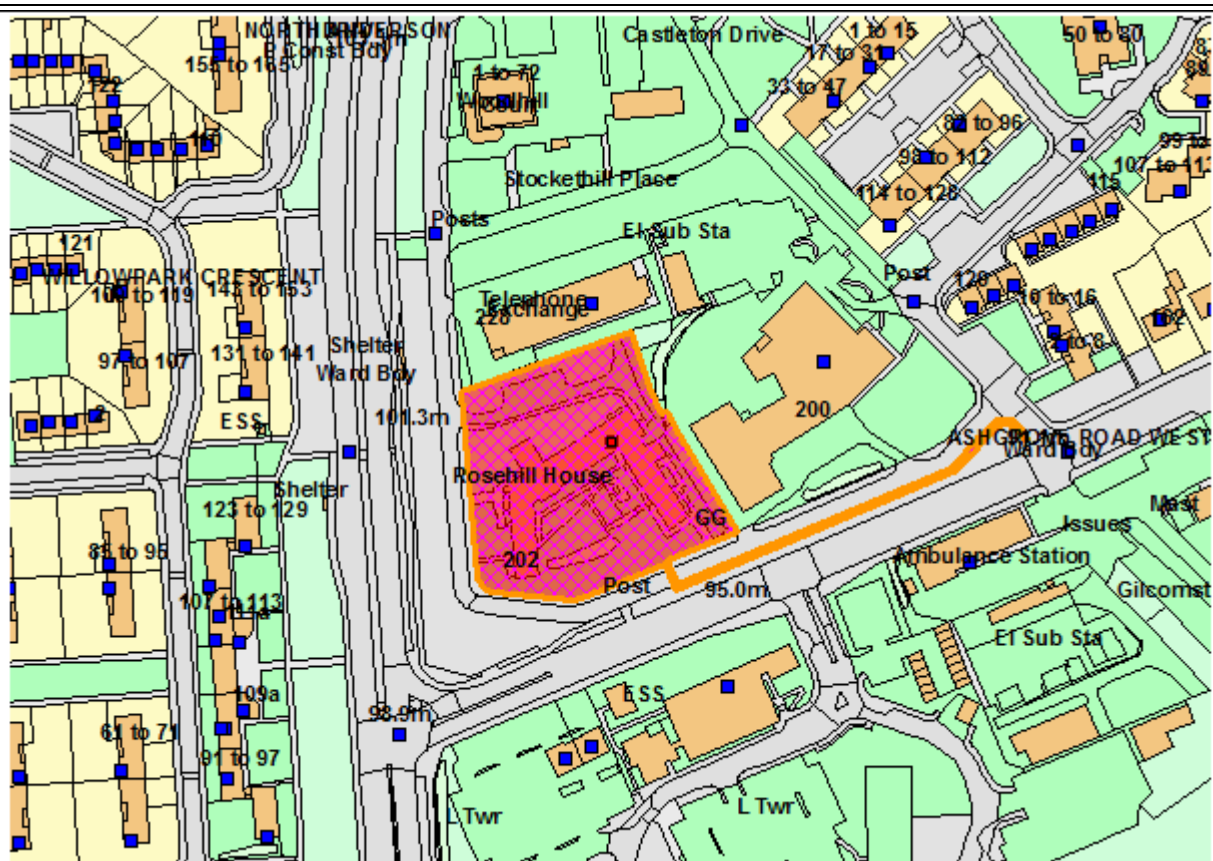


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 25th August 2022**

Site Address:	Rosehill House, 202 Ashgrove Road West, Aberdeen, AB16 5EH
Application Description:	Erection of restaurant (class 3) with drive thru facility (sui-generis) including installation of 2no. customer order displays, post height restrictor and play frame; car parking, landscaping and associated works including demolition
Application Ref:	220529/DPP
Application Type	Detailed Planning Permission
Application Date:	4 May 2022
Applicant:	McDonald's Restaurant Ltd
Ward:	Hilton/Woodside/Stockethill
Community Council:	Rosehill And Stockethill
Case Officer:	Lucy Greene



## **RECOMMENDATION**

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

The site lies on the junction of Ashgrove Road West and Anderson Drive adjacent to the SSE Headquarters (which also now houses Scottish Gas Network offices) and close to the NHS Foresterhill site and Aberdeenshire Council's Woodhill House lying to the south east and south. Immediately to the north is a telephone exchange building. It is a roughly square shaped site of approximately 0.54ha in size and occupied by a vacant former social care day centre building of one and two storeys, as well as a large number of mature trees. The building has a narrow, roughly 'U' shaped footprint, a small off-street car park lies within the northern area of the site. The building was most recently used as a temporary covid testing centre.

The nearest residential properties are those to the south within the Woodhill House site (approximately 45m from the edge of the site), those on the west side of Anderson Drive (approximately 77m from the site) and Woodhill Court, a sheltered housing block of 18 storeys, which lies 94m to the north, with the three storey telephone exchange building in between.

The site has a gentle south east facing slope with the high point at the north west corner and low point approximately 4m lower, at the south east corner. A platform was created for the 'Un' shaped footprint of the existing building. At the south west corner of the site there is a fall of just under 2m between the North Anderson Drive (A92) level and that at the site boundary.

The site is accessed from an 'inset' road that joins Ashgrove Road West to the east of the SSE offices. The inset road runs parallel to the site boundary along the south and west site boundaries; landscaped verges with mature trees lie between the inset road and the transport routes of Anderson Drive and Ashgrove Road West. There are double yellow lines along the outer side of the inset road and on corners, with stretches available for parking in between, similarly there is a length of road available for parking alongside the SSE offices to the east. The existing vehicular access serving the site is at the north west corner. Three pedestrian access points exist on the south and west site boundaries. Along Ashgrove Road West A9011 (ARW), which is over 12m wide in this area there are parking bays on both sides of the road along the stretch between North Anderson Drive (NAD) and the junction with Castleton Road, which provides access to the inset road and the application site.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
211197/CRW	Utilisation of the site as a walk-in COVID-19 testing facility	19.08.2021
		Status: Permitted Development
220545/ADV	Installation of 4no. illuminated digital display screens; 2 non-illuminated free-standing banners; 1 illuminated play land sign and 28 non-illuminated car parking directional signs	Status: Pending
220546/ADV	Installation of 3no. illuminated logo signs; 6no. illuminated lettering signs and 1no. digital booth display screen	Status: Pending
220547/ADV	Installation of 2no. illuminated freestanding totem signs	

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The application proposal is for a single detached building to be used as restaurant, takeaway and with 'drive thru' collection. This would be sited at the northern part of the site with car parking and internal road network proposed to the south. The building would provide a single storey of floorspace, with plant accommodated on the roof and concealed behind extended elevations, resulting in a 'stepped' elevational appearance. A 'corral' area would be formed by an enclosure on the west side of the building. Externally there would also be ancillary structures including customer order displays on the two drive thru lanes, a playframe, patio with outdoor tables to the south and east of the building, fencing and lighting to the outdoor seating area and a cycle store to the front.

The restaurant would provide seating for seventy six people, within a floorspace area of 78m<sup>2</sup>. There would be a further 46.4m<sup>2</sup> floorspace of ancillary public areas and 198m<sup>2</sup> of kitchen / staff / back of house area. The 'corral' includes areas for deliveries and also for refuse management, with a refuse compacter on site.

Elevational cladding materials to the main building would be a roughly equal mix of: timber effect cladding panels in variety of shades and dark grey engineering brick. There would be full height glazed windows and doors on the southern frontage, and white canopies at two fascia levels. The 'corral' and stores areas would be clad in dark grey and lighter grey stone effect panels. Sections through the building show plant on the roof of the restaurant area, with the maximum overall height being just over 5.8m.

Pedestrian access within the site is shown via a path to the west onto the inset road with a further ramped path providing a route onto the footway on North Anderson Drive(NAD) and pedestrian 'zebra' type crossings within the car park leading to the footway on Ashgrove Road West (ARW) to the south. A further pedestrian route, which would avoid walking through the car park, would lead between ARW along the east side of the car park to a crossing of the drive thru lane and into the building through the frontage patio.

The plans indicate a 1.4m high timber close boarded fence around the site perimeter, with steel mesh panels within 'timber effect' posts, handrails and approximately 2m high lampposts around the pedestrian and patio areas close to the building.

The landscaping plan shows the existing trees retained on the site boundaries, together with grassed and landscape planted borders. Fifteen trees would be planted, these would be split between red maples and hornbeams, with the trees being 'heavy standards' of height 3.5 – 4m at planting. There would also be hedge planting (hornbeam proposed) around the south west corner adjacent to the drive thru lane, with shrub planting also in patches along the lane.

The plans show forty seven (47 no.) car parking spaces with the car park, with three of these being for disabled people. There would be two further spaces accessed from the drive thru lane (grill bays). Two motorcycle bays are shown and a bike store.

The applicant's agent's submissions states that the premises would employ more than 120 full and part-time staff in total, with fifteen being indicated as on site at any one time.

Proposed signage on the site and building is included in separate applications as noted within the Planning History section below.

## **Amendments**

The building location has been moved 3.7m southward on the site to reduce the impact on existing trees. The barriers to restrict vehicular width at the site entrance have been added.

## **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=RAZT58BZMY200>

Drainage Impact Assessment Issue 2 by Glanville Consultants June 2022  
Drainage Maintenance Plan Issue 2 by Glanville Consultants July 2022  
Construction Environmental Management Plan Issue 2 by Glanville Consultants June 2022  
Transport Assessment Revision A Issue 3 by ADL, July 2022  
Travel Plan by ADL July 2022  
Noise Impact Assessment Rev B by ENCON, June 2022  
Air Quality Assessment, Rev A by ENCON, June 2022  
Ecological Appraisal & Preliminary Bat Roost Assessment, by ENCON, April 2022  
Landscape Maintenance Plan, by ENCON, April 2022  
Low and Zero Carbon Report, Issue 1, by CDM Partnership, April 2022  
Odour Assessment, First Issue, by ENCON, March 2022

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because there are more than six objections.

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – Overall, there is no objection on roads grounds with any outstanding matters being capable of being addressed by condition.

The site is accessible in terms of walking and cycling, as well as crossings. Footpath is shown to link onto NAD to the west, however, there should be further discussion over the location as it should link with the bus stop further north. People will use desire lines rather than more indirect existing routes. This should be the subject of condition on any approval.

Parking exceeds standards, which are 1 space per 10m<sup>2</sup> and would equate to thirty six spaces plus three disabled. Forty six spaces are provided plus three disabled. It is considered that additional parking would help prevent over-spill onto surrounding streets.

It is noted that cycle parking and motorcycle parking area proposed, the cycle parking is shown within a shelter.

Swept paths for vehicle access including cars and delivery vehicles have been provided as requested and these are acceptable.

Internal road layout is acceptable and permits a large number of vehicles within the site, which will help prevent vehicles queuing out of the site.

The applicant estimates, based on surveys of other McDonalds drive thrus, that the predicted peak traffic is 144 trips in the weekday AM peak, 133 trips in the PM peak, and 270 trips on the Saturday peak. They then note that 69% (weekday) and 81% (weekend) of these trips are already on the network, which would reduce the traffic generated to 44 combined Friday AM peak trips, 72 combined Friday PM trips, and 51 combined Saturday peak trips, they then conclude by saying "it is considered that this level of additional traffic would have no material impact on the operation of the local road network" and, consequently, no junction analysis has been undertaken.

The following have been accepted:

- Ashgrove Road West (side road) / Castleton Drive – Ratio of Flow to Capacity (RFC) increases from 0.05 to 0.38 (Saturday peak)
- Castleton Drive / Ashgrove Road West (main road) – RFC increases from 0.08 to 0.37 (Saturday peak)
- Ashgrove Road West (main road) / North Anderson Drive signalised junction – Degree of Saturation increases from 39.6% to 74% (Saturday peak)

These show large increases, however, are still below the allowable threshold (0.85 / 85%).

The applicant proposes the following mitigations:

- Realigning the inset Ashgrove Road West / Castleton Drive junction;
- Widening Ashgrove Road West inset to formalise the on-street parking adjacent to the SSE offices and to provide a 5.5m two-way carriageway past these parking bays to facilitate access to McDonalds;
- A new access to the site from Ashgrove Road West inset, with the existing access being closed and the footway reinstated. The new access will have a pedestrian refuge which will aid pedestrian crossing and restrict the site from being serviced by oversized vehicles.

These measures are acceptable, subject to detailed swept path plans. Due to the substantial increase in traffic it is required that the applicant resurface the inset road from the junction with Castleton Drive to the proposed site access and this should be the subject of condition on any approval.

The revised Travel Plan is acceptable.

The site is proposed to be serviced by an 11m rigid vehicle (not HGV) with deliveries three to five times per week. With traffic management taking place, the vehicle would overrun car spaces to undertake deliveries. This is acceptable.

A Drainage Impact Assessment has been submitted, cellular attenuation needs to be increased to provide for a 1 in 200 year even plus climate change. Further information is also required, these matters could be covered by condition.

**ACC - Environmental Health** - The amended Noise Impact Assessment by Encon Associates (Revision A, 30<sup>th</sup> May 2022) associated with the proposal was reviewed. The proposed development being in close proximity to the North Anderson Drive Noise Management Area has also been considered. The following observations were made:

1. The findings night-time assessment at the southern residential properties (within Woodhill House site) advises an excess over the background sound level of +12dBA, which indicates likelihood of significant adverse impact, depending on context. Additionally, during the

night-time at the western properties the report advises an excess of rating level over the background sound level of +5dBA, which indicates likelihood of adverse impact, depending on context.

The extent of these noise emission exceedances over background (and the limit of 5 dB below background applied by the Environmental Health Service (EH)), present unacceptable conditions for residents at night. The EH Service is therefore unable to support 24-hour operations. The Service would however accept the proposal provided time restrictions are applied along with critical noise mitigation measures achieving at least an equivalent effect of those measures contained within the assessment. These must include:

- a) operation and opening hours of the restaurant shall not take place between the hours of 00:00 (Midnight) and 06:00 daily.
- b) deliveries and waste collections shall not take place between the hours of 23:00 and 07:00.
- c) installation of a close boarded fence 1.4m high sound barrier as indicated within the site layout plan.
- d) Installation of the specified equipment complying with either A-weighted sound pressure level at 1m or as a sound power level detailed.
- e) Installation of a rooftop parapet sound barrier shielding fixed plant and equipment preventing line of site between the plant and the receptors.

In terms of air quality, an air quality impact assessment was submitted, the scope was agreed with the EH service, and included all traffic visiting the site. In relation to traffic pollutant levels at sensitive receptors the findings of the report were accepted, including that mitigation measures in relation to road traffic emissions are not necessary and the conclusion that '*The assessment has predicted a negligible impact on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> as a result of operational traffic*'.

A condition would be required in relation to dust control management during demolition and construction.

In relation to odour the Service accepts the proposed development provided application of the critical odour mitigation measures achieving at least an equivalent effect of those measures contained within the assessment takes place. These include (but not be limited to);

- a) A built-in Hi-Catch filter on all fryer and grill hoods to remove 98% of airborne grease at source
- b) A Purified Air ESP 4500E electrostatic precipitator within the extract duct before the extract fan to remove grease and smoke particles
- c) A Plasma Clean Xtract 2100 Ozone injection unit within the extract duct before the extract fan to remove and neutralise odours
- d) The proposed system will include access doors at 3m intervals within the extract ductwork to allow for cleaning.

The EH Service would also recommend an advisory note is attached to any planning permission advising strict adherence to the managerial controls detailed within the report relating to cleaning and maintenance.

It is also recommended that a Construction Environmental Management Plan be required by condition, to manage impacts of noise, vibration and dust during construction.

**ACC - Natural Environment Policy Team** – Ecological appraisal and bat roost inspection are acceptable, an emergence and activity survey is recommended.

The proposal shows an unacceptable loss of trees, even with new planting there is an overall loss of habitat and biodiversity and increase in impermeable surface. Habitat loss conflicts with policy NE8 'Natural Heritage'. It is recommended that further measures should be considered in this proposal to enhance biodiversity and go further with compensation in the design to replace the habitats that are proposed to be lost.

A green roof should be considered for the restaurant as compensation for biodiversity. A well designed green biodiverse roof could include sedums, grasses and wildflowers whilst providing an undisturbed area for wildlife.

The building on site along with the trees proposed for felling should be removed outside of bird nesting season to follow best practice. If tree removal or building demolition is required in the nesting bird season, an ecologist will be required to survey the site

The landscape plan shows hornbeam hedging, which is not native to NE Scotland, given the location hawthorn would be acceptable.

This proposal requires a significant number of trees to be removed and proposes limited low quality replacement planting resulting in an overall net loss of tree cover within the city.

The proposal is contrary to Policy NE5 Trees and Woodlands. Policy NE5 sets presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Proposed development should be sited so as to minimise adverse impacts on existing and future trees. Appropriate measures should be taken for the protection and long-term management of existing trees and new planting both during and after construction.

The tree survey suggests that 38 of the 55 trees on site would be removed to facilitate the development. This is a significant underestimate in the opinion of the EP Team. The development will result in a significant impact on the root protection areas of trees 38–41 and 43-47 (all these are in the north east corner of the site) . The impact is so great that it is not considered that it will be feasible to safely retain trees 38-41 and trees 44-47.

The level of actual tree loss is likely to be 45 out of the 55 trees located within the site boundary. Landscaping proposals suggest approximately 15 small replacement trees will be planted. The proposal does not meet the aims of Policy NE5. It would appear to be feasible to facilitate development on this site and meet the aims of both national and local planning policy in terms of tree retention and replacement tree planting.

The open space forms part of a wider area of habitat and green space which would be lost and replaced with surfaced roads and parking areas. Some open space and new planting is proposed however, there is still an overall loss, whilst an alternative proposal should seek to achieve a reduced footprint, reduction in hard surfacing and improve the biodiversity and quality of open space.

**Aberdeen International Airport** – The proposal could conflict with safeguarding criteria unless conditions are attached relating to bird hazard management and the use of cranes.

**ACC - Waste and Recycling** – The development would receive a business waste collection and ACC is not the only contractor available. High level advice is provided on refuse storage and collection, in particular:

Different contractors provide a different collection of waste and recycling services.

- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the premises responsibility to manage and dispose of any waste correctly.
- Waste (Scotland)2012 requires all businesses to separate paper, cardboard, glass, plastic and metals. Where food waste is greater than 5kg per week they are also required to separate their food waste.

**Scottish Water** – No objection. Unable to confirm capacity for water; there is capacity for foul only at waste water treatment works.

**ACC – Developer Obligations** – No requirements.

**ACC – Land and Property Assets** – No comments or objections.

**Police Scotland** – Recommends that the applicant consult with the Policy Architectural Liaison and give consideration to any crime reduction measures suggested. Further informal discussion confirmed no undue concern in relation to anti-social behaviour.

**Rosehill and Stockethill Community Council** – No comments received.

## **REPRESENTATIONS**

Ninety (90 no.) representations have been received (86 objections, 4 in support), including from the Scottish Ambulance Service, whose depot is located on the south side of ARW, opposite the Castleton Drive junction. The matters raised can be summarised as follows –

- Residents of sheltered housing to the north raise concerns about how ambulances and taxis would negotiate the road (access to the flats is via the inset Ashgrove Road West), with delays causing life threatening consequences.
- Scottish Ambulance Service state that increased traffic flows will have a detrimental impact on target response times to immediately life threatening call outs. The station is the largest in the area and serves the greatest proportion of the Aberdeen area. In particular the traffic egressing Castleton Drive turning right (westwards) is highlighted and the lack of mitigation. It is stated that around half the ambulances exiting the station turn right (eastwards) and rely on road users to give way. Increasing the traffic exiting Castleton Drive and turning right would increase the probability of an accident. There is an existing box junction. The Service notes that flashing red lights would be a possible mitigation measure. Half the exiting ambulances pass through the ARW / NAD junction, additional traffic queuing here would increase by more or less 100%. This makes the use of emergency driving measures including driving in the carriageway of oncoming vehicles, more likely to be required. There have been serious and fatal accidents and these would become more likely. One possible measure here would be to re-design the traffic signal control to provide a 'rapid response green wave' from ARW onto NAD so that traffic can be dispersed. The application is not supported, however, if approved a condition is requested limiting access to 11m delivery vehicles, including during construction.
- Increase in noise from traffic, customers and people attracted to mill around the premises.



- Air quality impact largely from traffic.
- Discarded food and wrappings, including by Academy pupils walking from Northfield
- Vermin linked to discarded food.
- Air quality and climate change impact from traffic emissions.
- Risk of anti-social behaviour and nuisance.
- Many residents of Woodhill Court are elderly with mobility impairment, increased traffic would seriously impact their ability to leave the building.
- McDonald's could cause obesity including amongst local school children with a number of schools nearby.
- A drive thru would be out of character with the local community.
- The application does not justify change of local plan zoning.
- Traffic Assessment does not reflect true traffic impact within Stockethill residential area. Also stated that ACC has not considered road safety implications of alternate traffic routes to and from the site – these are described as via Castleton Drive from the north (Stockethill Crescent and from the north along the North Anderson Drive / Ashgrove Road West slip road accessed from the Foresterhill Road / Anderson Drive / Cairncry Road roundabout – due to legal parking, these access routes are essentially single track.
- It is queried how large vehicles would access the premises without impacting local traffic.
- Queued traffic at the ARW / Castleton Drive junction, together with vehicles parked in the eastern end of the bays will cause a bottleneck with vehicles potentially utilising the exclusion box outside the ambulance station.
- Junction of ARW and NAD has a raised 'cobblestone' central reservation, which makes it very difficult for queued traffic to move out of the way for ambulances
- Increased traffic at Lang Stracht / NAD junction would also risk delays for ambulances
- Increased east bound traffic at the ARW / NAD junction would risk delays for ambulances
- From Northfield Academy children will take the most direct route, not necessarily crossing NAD or the slip roads at designated points,
- Speeding traffic in Stockethill area has caused damage to parked cars (on North Anderson Drive slip road).
- Layout of Ashgrove Road West is misrepresented in supporting statements.
- Pedestrian access – from the west this requires crossing North Anderson Drive (NAD), with significant risk to children, pensioners, people with limited mobility, cyclists and walkers. There are five crossing points of North Anderson Drive between the junctions with Ashgrove Road West and junction with Cairncry / Foresterhill Road, three of these lead to crossing points on the slip roads, whilst two pedestrian crossings have controlled lights. Increased traffic will cause risk to pedestrians crossing to the footway on the east side of the slip roads.
- Use of traffic statistics likely to underestimate the impact of traffic flow
- Truck movements as shown on swept path analysis would be impeded by parked vehicles and this has not been taken into account.
- Parking bays on both sides of Ashgrove Road West A9011 have not been shown on plans
- Removal of trees for road widening required for access.
- Conflict of interest as ACC is the landowner and planning authority.
- There are 6no. McDonald's within the city limits, with 4no. of these being drive thrus. All are in retail or industrial areas.
- Sequential testing is invalid as it applies to retail uses.

The following matters were raised in support of the application:

- That McDonald's would be a great addition to the area, people enjoy it and it would bring life and brightness.
- McDonald's would add to the variety of food available in the area
- The proposal would bring jobs and opportunities.

## **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**

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

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.

##### Aberdeen Local Development Plan (2017)

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 –

- B2 – Specialist Employment Area
- D1 – Quality Placemaking by Design
- NE5 – Trees and Woodland
- D2 – Landscape
- T2 – Managing the Transport Impact of Development
- T3 – Sustainable and Active Travel

T4 – Air Quality  
T5 - Noise  
NE6 – Flooding, Drainage and Water Quality  
NE8 – Natural Heritage  
R6 – Waste Management Requirements for New Development  
R7 – Low and Zero Carbon Buildings and Water Efficiency

### **Supplementary Guidance and Technical Advice Notes**

Supplementary Guidance on the following:

Traffic and Transportation  
Natural Heritage

### **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 are relevant –

B2 – Business Areas  
NE5 – Trees and Woodland  
D1 – Quality Placemaking  
D2 – Amenity  
D4 - Landscape  
T2 – Sustainable Transport  
T3 – Parking  
WB2 – Air Quality  
WB3 - Noise  
NE2 – Green and Blue Infrastructure  
NE3 – Natural Heritage  
NE4 – Our Water Environment  
R6 – Waste Management Requirements for New Development  
R7 – Low and Zero Carbon Buildings and Water Efficiency

## **EVALUATION**

### **Principle of Development**

The site lies within an area identified as 'Specialist Employment Area', under Policy B2 Specialist Employment Areas. This zoning applies to the area comprising Woodhill House, ambulance depot, SSE offices, telephone exchange and the application site. The policy states that only Class 4 (Business) uses will be permitted in order to maintain a high quality environment. Activities such as

research, design and development are encouraged. Facilities that directly support such uses may be permitted where they enhance the attraction and sustainability of the area for investment.

Policy B2 states that:

*“Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Specialist Employment Area for investment. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the Specialist Employment Area.”*

A drive thru restaurant would not fall within Class 4 and does not include any of the activities noted in the policy. Business uses in the area consist of the SSE / SGN office on the neighbouring site to the east, Aberdeenshire’s Head Quarters at Woodhill House to the south, the Telephone Exchange to the north and the Scottish Ambulance Service depot to the south east. The proposed restaurant / drive thru would be easily accessible on foot to employees within the SSE offices to the east, this office with a capacity of 200-250 and 80 parking spaces, has its own canteen. Employees of the ambulance service would need to cross ARW to the east side of Castleton Drive (as there is no pavement on the west side) from there the walk along the inset road is short. For Woodhill House the route is more convoluted as a direct crossing of ARW would be hampered by there being no pavement on the north side and a retaining wall of roughly 0.5m along the back of the parking bay. Woodhill House employees would therefore need to walk along to Castleton Drive, even so, the walk would be approximately 450m and take around five minutes. Woodhill House has a canteen. There does not appear to be a case for concluding that the proposal would directly support existing specialist business uses or in terms of its use, increase the attraction to business within the zoning.

As a contribution to the built and natural environment, the proposed drive thru would be associated with relatively high volumes of vehicles queuing, and the associated requirement for large areas of hard surfacing. The plan shows a large area of the site as car parking and for vehicles moving through the site to collect food. As is covered further below, mature trees would be lost for the proposal and the amount of green space would be significantly reduced. This would not result in a use that would enhance visual attractiveness, environmental sustainability or sustain investment in the area for business and investment in the uses noted - research, design and development, knowledge driven industries and related education and training.

It is clear that the proposal would not primarily meet the needs of businesses and their employees. The proposal is therefore contrary to the zoning policy B2: Specialist Employment Areas. The site is similarly zoned within the Proposed Plan 2020 (PLDP) under Policy B2: Business Zones. The wording of the policy is slightly different in that it states:

*“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 with the Business Zone rather than the wider area.”* (underlining indicates different wording). The word ‘primarily’ after ‘aimed’ has been removed and the words ‘rather than the wider area’, have been added. Taking into account this wording difference, it is considered that the proposal would be aimed at the wider area and be also contrary to the PLDP zoning policy B2.

Whilst the proposal is considered not to comply with Policy B2 in this particular location and instance, it is noted that a similar mixed use proposal may be considered differently in an industrial or business area that contains a larger number, variety of sizes and different mix of premises, where it could potentially provide a service that meets the needs of employees and business. It is understood that the application site has been on the market for less than one year. No marketing information has been provided in support of the current proposal being the only option put forward for the redevelopment of the site.

## **Trees**

Policy NE5 in the adopted LDP 2017 states that:

*“There is a presumption against all activities and development that will result in the loss of... trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.”*

It further requires that buildings be sited so as to minimise adverse impacts on existing and future trees and that trees are protected during development. Where trees are impacted there should be provided details of compensatory planting.

The proposal would result in the site, other than a perimeter strip around the site being built over with the building, and vehicle parking and movement areas.

The revised tree survey report surveyed seventy two individual trees and two groups, both within the site and between ARW and the inset road. There are fifty five trees within the site. None of these are not covered by Tree Preservation Order (TPO), nor are they within a conservation area.

Thirty trees would be removed to make way for the development, the report states that a further eight trees would be removed for health reasons. Seventeen trees and one group would be retained. The report concludes that removal of trees outwith the site could be avoided by use of a cellular confinement system where road widening would be required within the root protection area.

Of the thirty trees for removal that are healthy, twenty of these are Category B2 trees, of ‘moderate quality’, and ten trees are categorised as C2 ‘low quality’. Of the trees to be removed:

- Trees T1 to T15 in the survey are local within the southern area of the site and consist of cherries, alder, silver birch, hawthorn, cotoneaster and holly of heights between 4m and 13m. The best of these are five ‘B2’ trees which silver birches, cherry and alder and are generally the taller ones within the group.
- Trees T21 to T32 are along the western side of the site. The best quality trees are an alder of 15m in height, 5no. maples of 7 – 12m in height, a silver birch and a mountain ash.
- Trees T33 to T37 are all moderate quality maples in a formal arrangement along the edge of the existing car park to the central north area of the site, whilst T42 is on the edge of the trees in the north eastern corner.

Trees outside the side between the inset road and ARW, built into a stone retaining wall that forms the north side of ARW, are also highly visible within the area. Two of these are high quality Category A sycamores.

The Council’s arboricultural officer considers that additional trees would be likely to be lost, namely those in the north east corner of the site, so that up to forty five of the fifty five trees could be lost due to damage caused by works within their root protection areas.

Effectively all trees along the western boundary of the site would be lost. Replacement planting would consist of four trees dotted along the southern stretch of this site boundary, with hedging along part of the drive thru lane and three trees to the rear of the drive thru lane. At present trees effectively screen the buildings on the site, sitting relatively close to it, and form a group along the northern boundary, with other trees outside the site. These are seen beneath the much higher canopies of three large trees on the side of NAD and their loss is significant in visual terms. Fifteen replacement trees are proposed in total together with hedging and shrubs. The view of the site would be very much more open than at present and the site would be largely hardsurfaced, with views being both of the building, which in itself is not particularly large, but significantly of the extensive hard surfaced area in the southern, most visible extent of the site, together with a large number of vehicles, that would be likely to be present certainly at peak times of the day.

It is therefore considered that due to the loss of trees and resulting detrimental change in the character of the site, the proposal is contrary to Policy NE5: Trees and Woodland, in the adopted LDP, and to the equivalent policy NE5 in the PLDP.

### **Noise, Air Quality and Residential Amenity**

The relevant sources of noise from the proposal are roof top plant, traffic, milling, comings and goings of customers on foot outdoors and noises associated with vehicles, such as car doors slamming.

The noise assessment considered those sources with the exception of people within the outdoor areas of the site and coming and going on foot.

Policy requires submission of Noise Impact Assessment (NIA) in these cases and there is a policy presumption against noise generating developments close to noise sensitive uses, such as housing. Sheltered housing lies to the north (approximately 94m away) with other housing as mentioned, to the south and west. The proposal is not immediately adjacent housing, and there are busy roads to the west and to a lesser extent to the south. The Environmental Health Service consider that in terms of the submitted NIA, the proposal could be made acceptable in terms of the sources covered, by the attachment of conditions limiting hours of opening and requiring installation of measures such as close board fencing and screening. The application was submitted as a 24 hour a day operation, however, the applicant has indicated a willingness to accept the hours mentioned by the Environmental Health Service, namely 0600 until midnight.

Activity of people would likely be focussed on the immediate environs of the building, although customers on foot would leave the site onto surrounding pavements with the potential for an increase in groups along ARW and crossing NAD to the residential area beyond. The NAD inset road is a less obvious route, as direct routes from housing within Stockethill would be more likely via Castleton Drive. Overall, it is considered that any disturbance from customers on foot is unlikely to be sufficient to be considered as a reason for refusal of the application.

In terms of visual amenity, taking into account that Woodhill Court is a sheltered housing block and the residents are more likely to spend longer periods of time in their homes, there would be views of the site from levels high enough to see over the telephone exchange building, however, the south elevation of that block facing the site, is the only one without balconies. In addition, the outlook from the flats would be across a wider area, although the site is close by, the change is not considered to have a significantly adverse impact on the residential outlook such as it would impact on amenity.

Consideration of the potential impact of air quality was via a submitted assessment report and this concluded, taking into account all sources, including customers trips to the site based on the conclusions of the transport assessment, that mitigation measures would not be necessary. A condition would be required in relation to dust during the pre-operational phase.

Odour impact was also considered and an assessment report submitted. The EH service accepted the findings providing that mitigation measures are put in place to have an effect equivalent to that identified in the assessment. The measures include equipment that would remove air borne grease and smoke particles, as well as odours, from the air prior to it exiting the building.

Disturbance from noise, vibration and dust during construction could be adequately controlled via a suitable plan submitted in a compliance with a condition.

In terms of anti-social behaviour, the supporting statement notes that restaurants maintain a strict protocol for ensuring noise and disturbance are kept to a minimum. Managers receive conflict resolution training and there are crime reduction measures included within the design criteria including on the landscape plan. The Police do not express concern about this matter. Overall it is considered that anti-social behaviour is not a reason for refusal of the application and there are measures in place to help ensure it does not detract from residential amenity.

### **Litter**

The supporting statement points out that dropping litter is an offence and that the planning system cannot address unlawful acts. The applicant proclaims a commitment to tackling litter in a variety of ways. These include three daily litter patrols, where any litter within 150m of the site is collected. Litter bins are provided, anti littering messaging is on signage and packaging.

The planning service does not disagree with the applicant's approach or statements in relation to litter and further considers that the applicant would have an interest in avoiding negative publicity that might arise from litter being connected to the company brand. In the event of Members being minded to approve the application, it is considered that the provision of litter bins could be suitably addressed by a condition.

### **Access, Traffic and Transportation**

The Roads Development Management Team do not object to the proposal and consider that outstanding matters may be adequately dealt with by condition.

It is noted that objectors have serious concerns in relation to traffic increase. The increase is significant, however, the accepted modelling is evidence based and although showing significant increases, junctions would remain functional, being under the 0.85 flow to capacity ratio. The proposals for widening the ARW inset are also considered acceptable, with additional space for parking outside SSE and allowing for rigid delivery vehicle use.

In order to avoid further impact on the Castleton Drive junction from larger delivery vehicles overrunning the footway, if the proposal were approved, it would be proposed to install a physical width restriction at the entrance to the site and to condition the submission of a delivery management plan which would limit the type of vehicles used for deliveries. Both of these measures, which are accepted by the applicant, would deter the use of articulated lorries.

The level of parking and internal layout of the site is considered acceptable with the revised layout plan. It is noted that the level of parking and space for queuing vehicles is considered to be generous and sufficient to prevent vehicles queuing onto the public road.

The impact of traffic associated with the proposal on ambulance movements is a concern that has been raised by objectors and the Scottish Ambulance Service itself. It can be seen that the Transport Assessment shows a significant increase in traffic through the junctions nearby. The Roads DM Team accept the figures within the TA. The junctions would, nevertheless, remain within capacity. It would appear obvious to conclude that where an ambulance station is located close to a junction such as here, any increase in traffic at the junctions would potentially cause delay to ambulances. By the nature of their purpose, very small delays can have significant effects on response times.

In tandem with the above, a use is proposed on the application site that is traffic movement heavy by its nature. Putting these two matters together, it may be considered reasonable to conclude that impact on ambulance movements justifies a reason for refusal of the application.

However, setting aside whether the proposed use complies with the zoning policy for the site, it is important to note that the junctions, utilising the accepted traffic figures within the TA, would remain within capacity. In a hypothetical scenario where a specialist employment use, in line with the LDP zoning were proposed on this site, with similarly high traffic movements, it would be clear that the relevant consideration would relate to capacity of the junction.

In terms of mitigation measures, the installation of emergency services flashing lights has been suggested as a possible improvement, similar to what exists adjacent to the Central Fire Station on Mounthooly Way. It is sometimes competent to require off site works to take place as part of mitigation for impacts created by a development. There is no justification or requirement for the installation of the emergency service flashing lights in this case.

Consideration has been given to the function of the 'yellow box junction' (keep clear area) which exists on the south side of ARW outside the ambulance station. The Ambulance Service also highlights the particular conflict of ambulances heading eastwards and traffic from Castleton Drive turning westwards. This existing yellow box provides ambulances with clear access to turn left and head westwards. The extension of the yellow box to cover both sides of the road would assist in the scenario described by the Ambulance Service, or where either cars were queued right back to the ARW / Castleton Drive junction (considered extremely unlikely), or large vehicles are waiting to exit the Castleton Drive junction to turn left (eastwards) – these would then need to wait until their exit is clear before manoeuvring. This is a measure that has been the subject of discussion with the Roads DM Team and could be required by condition if the application were to be approved.

With regard to the Ambulance Service suggestion relating to the traffic signal control on the ARW / NAD junction and the rapid response green wave capability, the Roads DM Team consider that the impact is not sufficient to justify requiring the applicant to provide such a mitigation.

In terms of matters raised in objections in relation to roads matters, these have largely been dealt with above. It is also noted that parking bays on ARW and the inset road have been taken into account in the analysis.

## **Health Developments**

The matter of the potential health impact of both the lifestyle choice of drive thru fast food and of consuming the food itself are raised in objections. No direct health related policy exists in the current LDP, however in the Proposed LDP, Policy WB1 – Healthy Developments states that developments are required to provide health environments, reduce environmental stresses, facilitate physical activity and promote physical and mental well-being. Major applications (which this is not) would be required to submit a Health Impact Assessment. Reference is made to Aberdeen Planning Guidance on this matter, and this guidance is not yet available. The pre-ambule to the policy provides background information that leads to the inclusion of this policy. Amongst this the Council's Local Outcome Improvement Plan 2016-2026 (LOIP) is highlighted. The LOIP notes wide divisions in health outcomes with worse outcomes in the poorest communities. The LOIP includes the aim of helping individuals and communities to look after health by the choices they make and lifestyles adopted. The creation of healthy places is dependent on a number of policies being considered holistically and as such a number of criteria are mentioned, including: access to active travel, compact walkable neighbourhoods, access to natural open spaces, reducing noise pollution and carbon emissions. It is highlighted that the Planning Act 2019 brings health to the forefront.

It is noted that the Stockethill area, in which this site is located, is included within the Scottish Index of Multiple Deprivation 2020 within the Most Deprived 20% in Scotland. As such the area would fall into those referred to in the LOIP in terms of helping individuals and communities to make lifestyle choices that look after health. Furthermore, considering the factors mentioned above, it could be concluded that both 'fast food' and drive thru collection might run contrary to the aims of the Health and Wellbeing section of the PLDP.



However, in terms of this planning application it is considered that there is at best a casual link that could be drawn between some of the food sold by the applicant, the method of collection and poor health. At present, the PLDP policy is not supported by planning guidance that would provide further basis on which to assess the application. In addition, it is considered that the policy cannot be afforded sufficient weight to support a refusal on the basis of health and wellbeing. The LOIP is a material consideration in the determination of planning applications. Balanced against this is some of the food that would be sold in the application premises and the level of deprivation reported in the local area. A high level, lay-persons review of information online on the applicant's products, reveals a wide variety in nutritional value, fat and salt content between different products. Added to this would be the price and regularity of consumption. Overall, in terms of this planning application, there is an insufficiently strong link between the food that would be sold by the applicant and the aims of the LOIP, for health impact and lifestyle choice to be used as part of any refusal of the application based on the nature of the community in which the site lies.

### **Flooding and Drainage**

The application site lies outside the flood plain as indicated on SEPA maps and there are no watercourses on the maps. The report states that the site is too small for swales or basins and that permeable paving has been trialled and rejected by the applicant. The proposal is based on attenuation cells and the capacity needs to be increased in accordance with comments from the Roads DM Team. This matter could be covered by condition if the application were to be approved.

### **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.

If Members were minded to approve the application, consideration should be given to conditions including relating to the following:

- trees and landscaping,
- hours of opening,
- mitigation measures within the Noise and Air Quality reports,
- dust management,
- pedestrian access,
- cycle parking,
- works to roads including for delivery vehicle access,
- physical measures to restrict width of vehicles accessing site,
- extension of yellow box junction,
- requirement for electric vehicle charging points,
- a management plan for deliveries (including vehicle types),
- drainage impact assessment – surface water drainage,
- demolition works and tree removal should be outside the bird nesting season
- litter management.
- Low and Zero carbon emissions measures

### **RECOMMENDATION**

Refuse

### **REASON FOR RECOMMENDATION**

That the proposal falls within Class 3 (Food and Drink) and sui generis sections of the Use Classes Order and not within Class 4 (Business) as required by Policy B2: Specialist Employment Areas. The proposal it is not a use that would primarily meet the needs of employees and businesses in the area, on the contrary the premises would largely serve those from outside the area. There is no evidence that a mixed use premises including a restaurant with drive thru facility would increase the attractiveness of the area to sustaining business investment, either in terms of the use provided or the visual appeal of the area. It is noted that the two largest occupiers within the Specialist Employment Area have canteen facilities within their premises. The proposal is therefore contrary to Policy B2: Specialist Employment Areas in the adopted Aberdeen Local Development Plan 2017 (ALDP), and the equivalent policy B2: Business Areas, in the Proposed Local Development Plan 2020 (PLDP).

That the proposal would result in the loss of at least thirty trees within the site, many of which are highly visible from the public areas around the site, contribute to the character of the wider area, and contribute towards nature conservation and biodiversity. The site would be developed to an extent where only a perimeter strip of landscaping would remain and the proposed replacement planting of trees, hedges and shrubs would not compensate for the trees lost, nor provide sufficient mitigation. The proposal is therefore considered to be contrary to Policy NE5: Trees and Woodland, within the ALDP 2017 and the equivalent policy NE5: Trees and Woodland, within the PLDP.

It is considered that there are no factors that outweigh the policy consideration in respect of specialist business uses and trees that would merit approval and the proposal is therefore contrary to the development plan for the reasons noted above.