

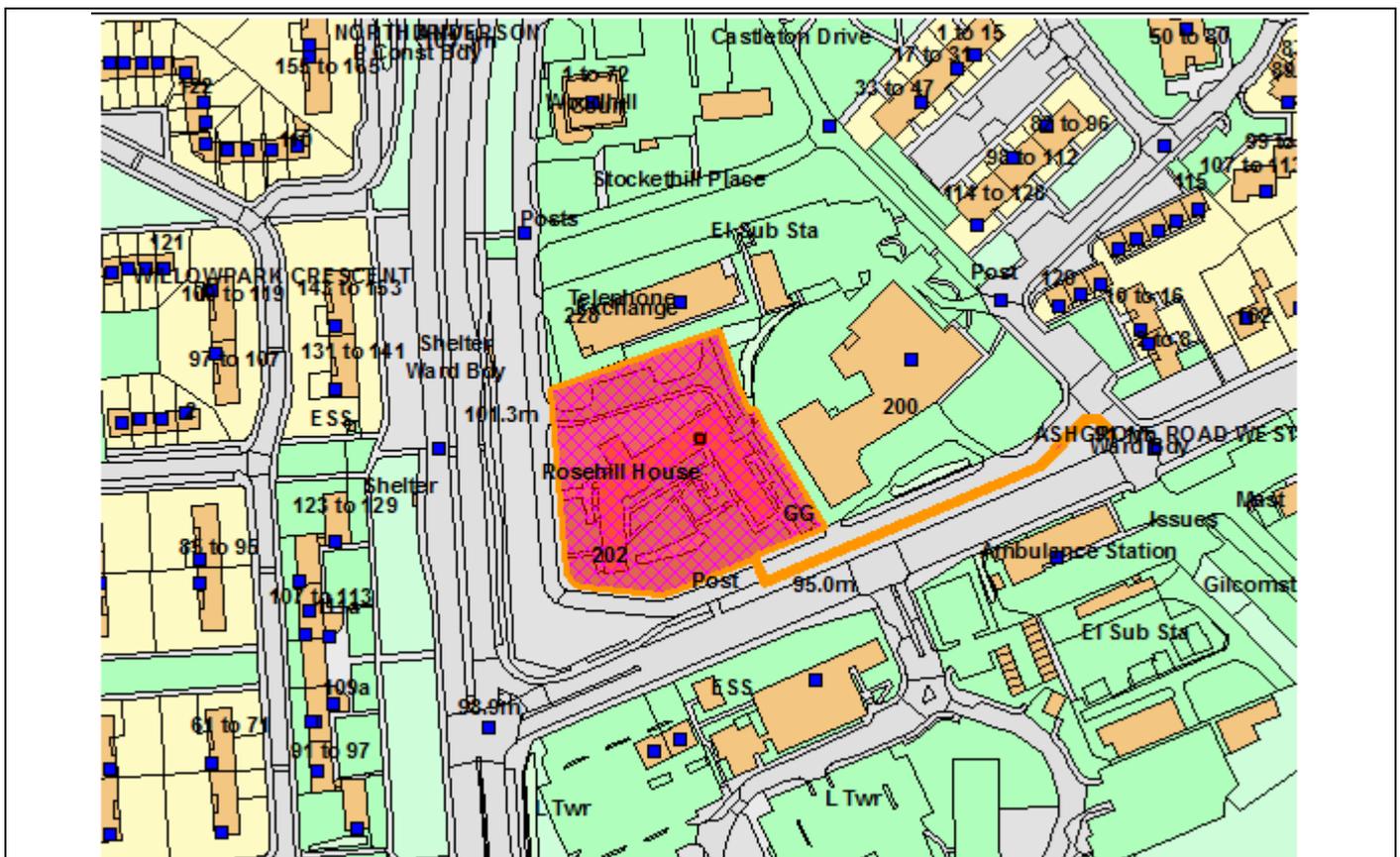


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 14 March 2024

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| Site Address: | Rosehill House, 202 Ashgrove Road West, Aberdeen AB16 5EH |
| Application Description: | Erection of mixed use restaurant (class 3) and takeaway (sui-generis) with car parking, landscaping, play frame and associated works including demolition |
| Application Ref: | 230414/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 31 March 2023 |
| Applicant: | McDonald's Restaurant Ltd |
| Ward: | Hilton/Woodside/Stockethill |
| Community Council: | Rosehill And Stockethill |



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RECOMMENDATION

It is recommended that Committee:

- a) Agree to hold a hearing for this application at this Committee; and,
- b) Agree to report back for determination to this Committee.

APPLICATION BACKGROUND

Site Description

The site lies on the junction of Ashgrove Road West and Anderson Drive adjacent to the former SSE Headquarters 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 'U' 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 adjacent building. 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 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 Permitted Development |
| 220529/DPP | 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 | 01.09.2022 Withdrawn |
| 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 | 05.09.2022 Withdrawn |
| 220546/ADV | Installation of 3no. illuminated logo signs; 6no. illuminated lettering signs and 1no. digital booth display screen | 05.09.2022 Withdrawn |

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| 220547/ADV | Installation of 2no. illuminated freestanding totem signs | 05.09.2022 Withdrawn |
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APPLICATION DESCRIPTION

Description of Proposal

The application proposal is for a single detached building to be used as restaurant and takeaway with click and collect service. 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 solar panels and 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 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, dining area of 78m², within an overall floorspace of approximately 377m². 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.

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.

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 some existing trees retained on the site boundaries, together with grassed and landscape planted borders. Thirty-three trees are shown as being planted along the site boundaries, with hedging and ground planting.

The plans show fifty-three (53 no.) car parking spaces with the car park, with three of these being for disabled people.

Amendments

The proposal has been amended to omit the drive-thru lane.

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=RSE100BZI7600>

- Drainage Impact Assessment, Issue 4: 1 December 2023 by Glanville

- Drainage Maintenance Plan, Issue 4: 1 December 2023 by Glanville
- Tree Survey Report, Revision E: 7 December 2023 by Encon Associates
- Planning Statement Version 9: January 2024 by Planware Ltd
- Construction Environmental Management Plan, Issue 4: 30 November 2023 by Glanville
- Odour Assessment Revision C: 6 December 2023 by Encon Associates
- Landscape Maintenance Plan Revision D: 7 December 2023 by Encon Associates
- Ecological Appraisal & Preliminary Bat Roost Assessment Revision B: 6 December 2023 by Encon Associates
- Air Quality Assessment Revision D: 6 December 2023 by Encon Associates
- Noise Impact Assessment Revision D: 7 December 2023 by Encon Associates
- LZC Report Rev A: 24 November 2022 by CDM Partnership
- Transport Assessment Revision b: 16 November 2023 by ADL
- Travel Plan November 2023 by ADL
- Phase I Desk Study Site Investigation: 3 March 2022 and Phase II 23 May 2022 by Southern Testing
- Marketing Summary Ref. PT/1565 – letter from ACC Estates

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee under the Pre-determination Hearings Procedure as agreed in April 2020 (Report Number GOV/20/087), whereby under Section 38A(4) of the Town and Country Planning Scotland Act 1997, a planning authority may elect to give an applicant or persons who have submitted representations the opportunity of appearing at a Pre Determination Hearing. At the Development Management Sub-Committee on 17th June 2010, it was determined that the following criteria would trigger a report to that committee to determine whether a pre-determination hearing should be heard. The criteria (the “*discretionary criteria*”) were that the application had been subject of:

- (a) more than 20 objections; **and**
- (b) the Council had a financial interest; **and/or**
- (c) the application is a departure from the development plan.

The application is the subject of 295 objections and 33 letters of support and the Council has a financial interest in the development as the owner of the land to which the application relates.

CONSULTATIONS

ACC - Roads Development Management Team – Comments summarised as follows:

- Site is outwith parking control zones and is accessible by extensive walking and cycling networks and crossings and bus stop provision. Provision of the proposed path into the site from North Anderson Drive should be conditioned.
- Parking provision exceeds standards, although take away restaurants are heavily utilised and additional parking will prevent over-spill. Electric vehicle charging points are required.
- Internal site layout and servicing arrangements are acceptable, subject to conditioning size of vehicle.
- Alterations to Ashgrove Road West / Castleton Drive junction would be altered as part of the proposals and it is expected that ARW should be resurfaced by the applicant. These should be conditioned. ‘Wig-Wag’ signals would be provided to assist access from the ambulance station.
- Balance of hard to permeable surface remains unacceptable. Drainage is otherwise acceptable.

ACC - Environmental Health – Odour Impact Assessment, dust management, considered acceptable. In respect of noise, accept proposal only providing time restrictions (closed between 00:00 and 06:00, no deliveries between 23:00 and 07:00) are applied along with the noise mitigation measures identified in the assessment.

Aberdeen International Airport – No comments

ACC - Waste and Recycling – General advice relating to commercial waste collection.

Scottish Water – No objection.

ACC - Developer Obligations – No developer obligations sought.

ACC - Land and Property Assets – No comments received.

Police Scotland – No comments received.

Ambulance Service – No objection providing the 'Wig-Wag' lighting system is installed at no cost to the ambulance service.

Scottish and Southern Electricity Network – Object due to concern relating to high power cable running adjacent to southern site boundary.

Rosehill And Stockethill Community Council – Objects. Matters raised summarised as follows:

- Negative impact on health of type of fast food offered and nature of the proposed use in relation to active lifestyles. Reference to 'A Healthy Future – Scotland's Diet & Healthy Weight Delivery Plan' 2018.
- Drive thru lane removed, however, customers will drive up, order on app and food delivered to car. This is 'drive-in'.
- Heavily car dependent use
- Area around site is deprived with socially vulnerable groups
- Loss of community asset and lack of consultation. Rosehill House should be reused.
- Reference to the previous application (withdrawn prior to Committee) and the case officer's report.
- Improvement initiatives on Ashgrove Road West, and impact of proposal thereon.
- Precedent for type of use near schools and healthcare facilities.
- Impact on access, parking and road safety- including proximity to schools. Traffic data is queried.
- Number of fast-food outlets in city and impact thereof.
- Design and visual amenity of the building, associated signage and play frame.
- Loss of trees.
- Impact on residential and visual amenity.
- Increase in litter and anti-social behaviour – youth disorder at Kittybrewster McDonald's.
- Conflict of interest with ACC being landowner and planning authority.
- Net Zero claim ignores environmental impact of food production and vehicles visiting the premises.
- Treatment of employees by applicant.
- Sequential test approach is queried.
- Value of biodiversity measures queried on busy site.

REPRESENTATIONS

Two hundred and ninety-five objections have been submitted, including from Kevin Stewart MSP and Aberdeen Civic Society, thirty-three letters of support.

The matters raised may be summarised as follows:

In objection:

- Health impact of fast food and car borne service.
- Children from local schools will be attracted to the restaurant/takeaway at lunchtime – concerns relate to obesity and the crossing of busy roads.
- Click and collect service no different to drive-thru;
- Impact on visual amenity of building, signage and advertising.
- Environmental claims are meaningless with no improvement for community and impact of vehicle pollution
- Misleading statements about community support
- Increase in litter and vermin
- Increase in traffic with road safety implications and delays for public transport and emergency services. Data is queried.
- Air quality impact of increased traffic
- Area is unsuitable for proposal, with many elderly and young residents being negatively affected
- Other fast food establishments are nearby
- Alternative sites available, eg, Haudagain
- Proximity of ambulance station and impact on access
- Tree loss with replacements not adequately compensating
- Reference Scottish Government report on healthy diets
- Lack of integration with Ashgrove Connects project
- Light pollution

In support:

- McDonald's would enhance area compared to existing site
- Investment in local area through business rates receipt.
- 120 jobs would be provided for local community, with more in construction and through supply chain
- Good facility for hospital staff, patients and visitors

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The following policies are relevant in respect of this application:

1. Tackling the climate and nature crises
2. Climate mitigation and adaptation
3. Biodiversity
4. Natural places
5. Soils
6. Forestry, woodland and trees
9. Brownfield, vacant and derelict land and empty buildings
12. Zero waste
13. Sustainable transport
14. Design, quality and place
15. Local living and 20 minute neighbourhoods
18. Infrastructure first
19. Heat and cooling
20. Blue and green infrastructure
21. Play, recreation and sport
22. Flood risk and water management
23. Health and safety
25. Community wealth building
26. Business and industry
27. City, town, local and commercial centres

Aberdeen Local Development Plan (2023)

The following policies are relevant in respect of this application:

- CF1 Existing Community Sites and Facilities
- WB1 Healthy Developments
- WB2 Air Quality
- WB3 Noise
- NE2 Green and Blue Infrastructure
- NE3 Our Natural Heritage
- NE4 Our Water Environment
- NE5 Trees and Woodland
- D1 Quality Placemaking
- D2 Amenity
- D4 Landscape
- D5 Landscape Design
- R5 Waste Management Requirements for New Development
- R6 Low and Zero Carbon Buildings, and Water Efficiency
- VC2 Tourism and Culture
- VC3 Network of Centres
- VC9 Out of Centre Proposals

I1 Infrastructure Delivery and Planning Obligations
T2 Sustainable Transport
T3 Parking
B2 Business Zones

Aberdeen Planning Guidance (APG)

The following APGs are relevant in respect of this application:

- Transport and Accessibility
- Air Quality
- Noise
- Landscape
- Materials
- Harmony of Uses
- Hierarchy of Centres
- Flooding, Drainage and Water Quality
- Natural Heritage
- Open Space and Green Infrastructure
- Trees and Woodlands
- Waste Management Requirements for New Development
- Resources for New Development

Other National Policy and Guidance

- A Healthier Future: Scotland's diet and healthy weight delivery plan
- Public Health Priorities for Scotland

Discussion

As described above, the planning authority may elect to give an applicant and persons who have submitted representations the opportunity of appearing at a Pre-Determination Hearing. In addition, the Planning Development Management Committee may opt to subsequently determine the application itself, or to refer the matter to Full Council. The agreed procedures require this report to make a recommendation, and it is suggested that relevant factors for consideration in reaching that include: the level of representation attracted by an application and the scale of development proposed.

In this instance there have been a large number of objections from the public, as well as an objection from the Community Council so there is a high level of public interest related to a significant number of issues. These factors combined with Council's financial interest in the application as landowner mean that in the interests of transparency it is recommended that a hearing be held.

It is considered that the Planning Development Management Committee is equipped to provide the necessary public scrutiny via a discretionary Pre-Determination Hearing and determination of the application thereafter, and that referral to Full Council would not be necessary in this instance.

Next Steps

Should Committee decide to hold a pre-determination hearing. This will be arranged in accordance with the Committee's instructions, subject to there being interest in attending from those who have made representation in relation to the application.

Members should note that when an application is to be determined by full Council or PDMC that all members who wish to participate in the determination should attend the pre-determination hearing as well. It represents best practice in decision making and provides consistency with Standing Order 34 (Quasi-Judicial Items of Business) if members are present for the entire discussion.

Following any hearing, a report will be prepared by officers for Planning Development Management Committee or Full Council (per Committee's instruction). This will include an assessment of the proposed development and a recommendation to Members as regards determination of the application.