

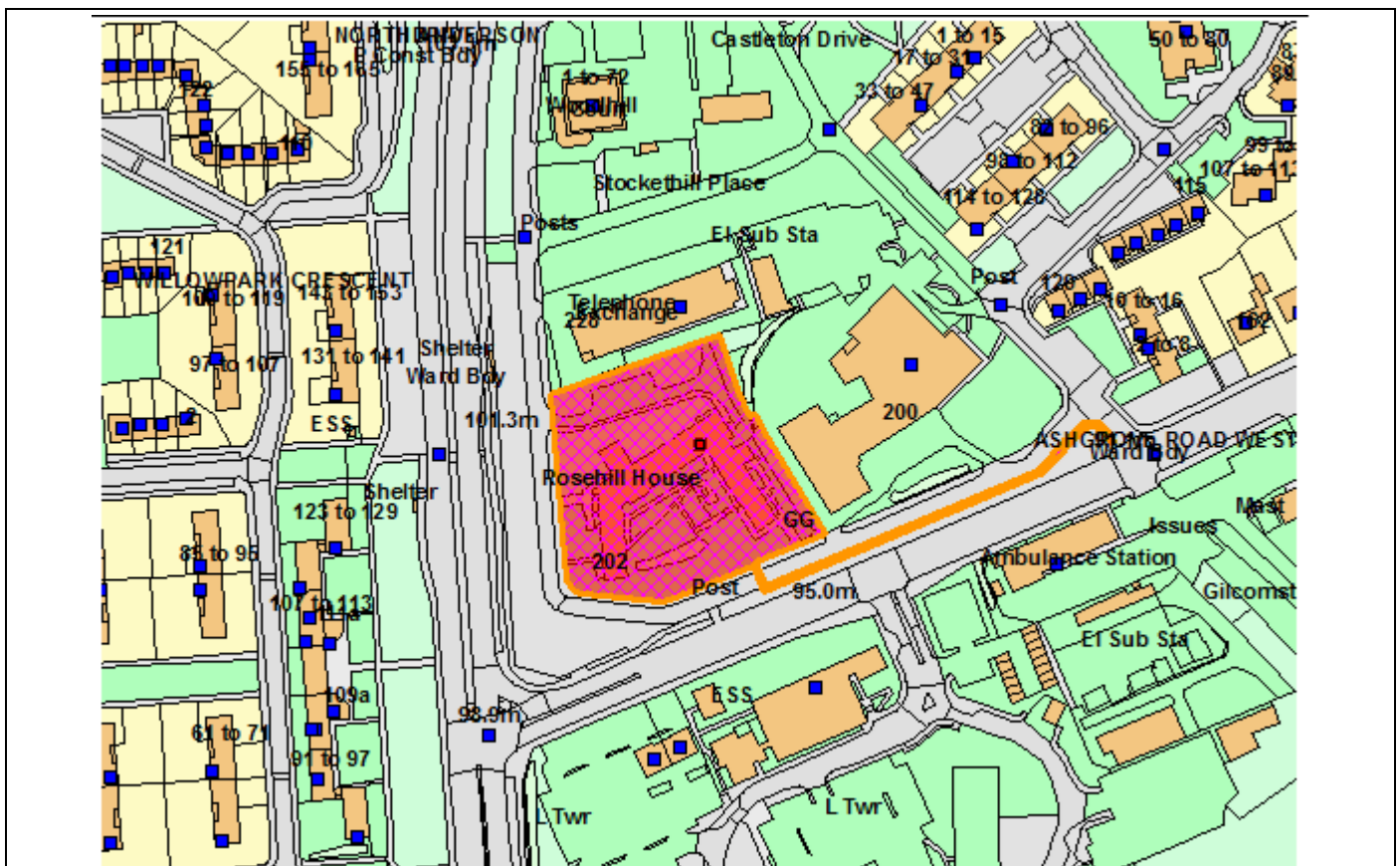


Pre-determination Hearing (Planning Development Management Committee)

Report by Development Management Manager

Date: 28 May 2024

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:

- Note the contents of this report.

APPLICATION BACKGROUND

Purpose of Report

A report to the Planning Development Management Committee (PDMC) on 14 March 2024 recommended that a Pre-Determination Hearing on the planning application be undertaken by the PDMC, rather than being referred to Full Council. That recommendation was agreed by members at the PDMC.

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.

This report provides information for the Pre-Determination Hearing required in relation to this planning application for a mixed use restaurant and take-away and associated works, which would also operate with 'click and collect' service via an app, with food and drink delivered to vehicles within the associated car park.

No assessment of the merits or failings of the proposal is made in this report. This is because the purpose of the hearing is not to make any evaluation or decision on the application. The aim, rather, is to enable members to gain a better understanding of the design, layout, means of access and context of the development and site itself, to gain knowledge of the relevant planning policies and hear directly from, and ask questions of, officers, the applicant, consultees and members of the public who have submitted representations. The decision on the application will be taken at a future meeting of the Planning Development Management Committee.

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 respectively. Immediately to the north is a telephone exchange building. The site is roughly square shaped 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 during 2021.

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 part of 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
220547/ADV	Installation of 2no. illuminated freestanding totem signs	05.09.2022 Withdrawn

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 inset (ARW) to the south. An existing vehicular access at the north end of the site is to be removed and an area of hardstanding replaced with grass and landscape planting.

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 applicant's tree survey indicates fifty-five (55no.) trees lie within the site in addition to one group of trees (along northern boundary). Of these twenty-nine trees would need to be removed for development, whilst twenty-six trees and the group, would remain. Offsite, trees between Ashgrove Road West inset road and the Ashgrove Road West A9011 were surveyed, this included seventeen individual trees and one group (located close to the corner of Ashgrove Road West and NAD). The report concludes that none of these would be required to be removed although the widening would take place within root protection areas of several. The landscape plan indicates the planting of twenty-eight trees around the site edges. These are detailed as 3.5-4.0m heavy standards of species red maple, hornbeam and silver birch.

The plans show fifty-three (53 no.) car parking spaces with the car park, with three of these being for disabled people. The proposal would require the widening of the inset road to the south east of the site. Surface water drainage is shown as being to a filter trench along the north side of the building, with a filter drain along the east side of the car park and cellular storage system underneath part of the car park.

Amendments

The proposal has been amended to omit the drive-thru lane. The rain garden has been omitted from the proposal, which provides for the retention of four trees previously indicated as being removed for development. Filter trench and

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 5: May 2024 by Glanville
- Drainage Maintenance Plan, Issue 5: May 2024 by Glanville
- Tree Survey Report, Revision F: 2 May 2024 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 Version 8: 29 January 2024 by ADL
- Travel Plan January 2024 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

Requirement for a Pre-Determination Hearing

The planning authority has elected to give an applicant and persons who have submitted representations the opportunity of appearing at the Pre-Determination Hearing. The Planning Development Management Committee has opted to subsequently determine the application itself.

In this instance there have been a large number of objections from the public, as well as an objection from the Community Council, it is therefore concluded that 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 the PDMC determined that a hearing be held.

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.

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

Scottish and Southern Electricity Networks – 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 (295) objections have been submitted, including from Kevin Stewart MSP and Aberdeen Civic Society, thirty-three (33) letters of support have been received.

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 sustainable transportation 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:

B2 Business Zones

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

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

A detailed evaluation against all relevant policies listed above will be included in the determination report to a future Committee that makes a recommendation. The following is a summary of the principal determining policies

The site lies with an area zoned under Policy B2- Business Zones within the ALDP, where the policy states that only class 4 (Business) uses shall be permitted, in order to maintain a high quality environment. It states that facilities that directly support business may be permitted where they enhance the attraction and sustainability of the Zone for investment. Those facilities should be aimed at testing the needs of needs of businesses and employees within the Zone rather than the wider area.

Policy 26 in NPF4 deals with business land. Section c) states that within those allocations, other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business / industrial character of the area.

In terms of brownfield land and vacant buildings, Policy 9 in NPF4 encourages reuse of land and empty buildings. The policy states that the biodiversity value of naturalised brownfield land should be taken into account and also that conserving embodied energy means that demolition of empty buildings is the least preferred option.

Trees are protected by Policy NE5- Trees and Woodland. Development proposals must seek to increase tree cover and achieve the long term retention of existing trees. Policy states that where removal takes place, replacement planting will be required to ensure an overall net gain in tree cover and that development that does not achieve this will not be supported. Structures should be sited to take into account predicted growth of trees, with root protection areas established and protected during development. Policy 6 in NPF4 is similar in effect.

In terms of transport and parking, Policy T2 – Sustainable Transport and T3 – Parking are relevant. In proportion with their scale, new development should include measures to minimise traffic generated, be accessible by active and sustainable transport. Paragraph 11.34 states that parking is an essential facility for many developments but will ensure that the level of parking complements its commitment to sustainable transport, through reducing emissions and congestion. The purpose of the policy on parking is to ensure that any car parking accords with the Council standards – set out in the Aberdeen Planning Guidance (APG): Transport and Accessibility – which are maximums, although the Council will consider whether there are circumstances related to the site or operation of the development which warrant an alternative level of parking. Policy T3 states that development will be required to comply with the parking standards, as well as provide for Electrical vehicle charging and provide cycle parking.

Policy 13: Sustainable Transport, in NPF4 similarly seeks to encourage developments that prioritise active travel and public transport. Section d) states that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

Town Centre policy is based on a hierarchy of centres, which is set out in the APG: Hierarchy of Centres and Policy VC3 – Network of Centres. Proposals for new significant footfall generating development shall be located in accordance with the hierarchy of centres, to accord with this policy. This is the 'Town Centre first' approach. The policy states that in all cases proposals shall not detract significantly from the vitality and viability of any centre. The relevant centres in proximity to the site are:

District Centre including Tesco at Rousay Drive, Summerhill and adjacent small shops;
Neighbourhood Centre at Lang Stracht / Summerhill Road consisting of 14no. small units;
Neighbourhood Centre at Mastrick;
Neighbourhood Centre at Cornhill, Foresterhill Road, consisting of 11 units, including Aldi.

This policy also includes criteria for assessing edge of centre sites.

It also states that an analysis of impact should be undertaken where a significant footfall generating use of over 2500m² gross floorspace outwith a town centre is proposed, however this is not applicable to the current proposal that is for 377m² floorspace.

Policy VC9 – out of Centre Proposals contains criteria for assessing significant footfall generating development, stating that it will be refused permission unless it complies with the following criteria:

1. No other suitable site in a location that complies with the sequential approach
2. No significant adverse effect on the vitality and viability of the existing centres in the network
3. In quantitative or qualitative terms there is a proven deficiency in provision of the kind of development that is proposed
4. It would be accessibility by active travel and public transport and would not be heavily dependent solely on access by private car
5. Would have no significantly adverse effect on travel patterns and air pollution
6. No adverse environmental concerns due to the proposal.

NPF4 takes a similar approach in Policy 27: City, town, local and commercial centres, in particular section b) which states that development proposals will be consistent with the town centre first approach.

In considering all development proposals, significant weight will be given to the global climate and nature crises in accordance with Policy 1 in NPF4.

A full analysis of the application proposal against all relevant policies, including those of NPF 4 and material considerations will be included in the Report of Handling to a future committee.

Next Steps

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 the hearing, a report will be prepared by officers for Planning Development Management Committee . This will include an assessment of the proposed development and a recommendation to Members as regards determination of the application.

