

# Public Document Pack



To: Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, Avril MacKenzie and Malik.

Town House,  
ABERDEEN 21 November 2018

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PUBLIC HEARING**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet at the Town House reception in order to undertake a site visit on **WEDNESDAY, 28 NOVEMBER 2018 at 9.30 am**. Members will then meet in the Council Chamber for the public hearing.

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **B U S I N E S S**

#### **DECLARATIONS OF INTEREST**

- 1 Members are requested to intimate any declarations of interest (Pages 3 - 4)

#### **GENERAL BUSINESS**

- 2 Erection of Three Class 3 (food and drink) Units Including Two Drive-Thru Facilities at Land Adjacent to Veterinary Hospital, Kingswells, Aberdeen - 181336 (Pages 5 - 22)

Members please note that all letters of representation and documents associated with this application can be viewed online at the following link.

Please enter the Ref number **181336**

<https://publicaccess.aberdeencity.gov.uk/online-applications/>

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Lynsey McBain on 01224 522123 or email [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk)

# Agenda Item 1

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons .....

*For example, I know the applicant / I am a member of the Board of X / I am employed by...*  
and I will therefore withdraw from the meeting room during any discussion and voting on that item.

**OR**

I have considered whether I require to declare an interest in item (x) for the following reasons ..... however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

**OR**

I declare an interest in item (x) for the following reasons ..... however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
  - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
  - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

**OR**

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

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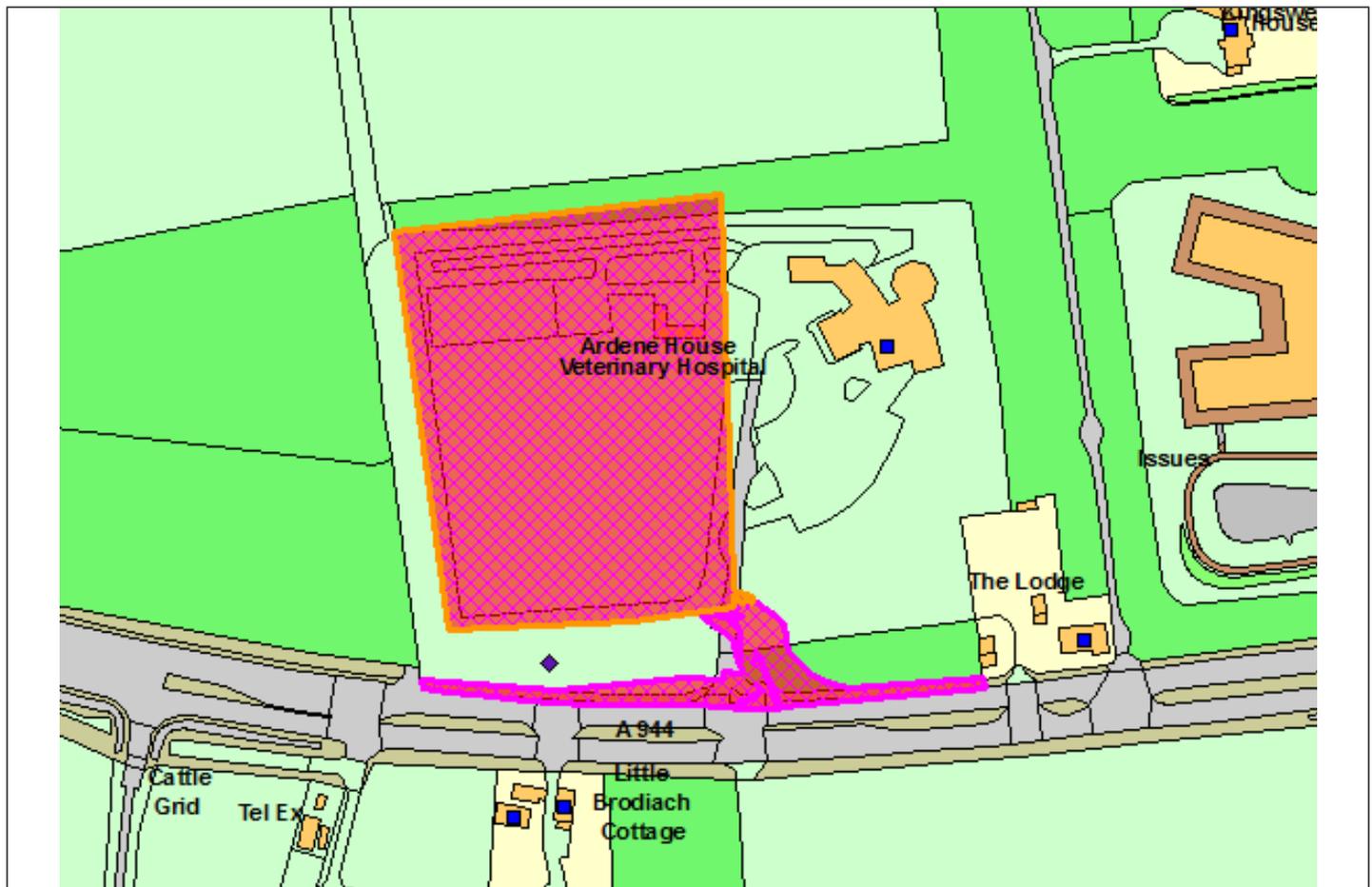


## Planning Development Management Committee

Report by Development Management Manager

**Hearing Date:** 28<sup>th</sup> November 2018

<b>Site Address:</b>	Land Adjacent to Veterinary Hospital, Kingswells, Aberdeen,
<b>Application Description:</b>	Erection of three class 3 (food and drink) units including two with drive-thru facilities
<b>Application Ref:</b>	181336/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	31 July 2018
<b>Applicant:</b>	CAF Properties (SABC) Limited
<b>Ward:</b>	Kingswells/Sheddocksley/Summerhill
<b>Community Council</b>	Kingswells
<b>Case Officer:</b>	Matthew Easton



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## **PURPOSE OF REPORT**

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The Council's adopted guidelines require that where a planning application has been the subject of more than 20 objections and is a development in which the Council has a financial interest, a report to committee is triggered to seek a decision on whether or not a public hearing should be held.

At its meeting on 20 September 2018 the Planning Development Management Committee such a report was considered in respect of the application for erection of three class 3 (food and drink) units including two with drive-thru facilities at land Adjacent to Veterinary Hospital, Kingswells. The committee resolved to hold a discretionary public hearing.

This report provides background information on the proposal for the purposes of the hearing. At this stage no assessment of the merits or failings of the proposal is made in the report.

## **APPLICATION BACKGROUND**

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### **Site Description**

The site comprises approximately 1.5 hectares of land, located to the south of the Prime Four Business Park, around 2.4km to the east of Westhill, 0.75km west of Kingswells and 7.2km west of Aberdeen city centre. It comprises a grass field, a timber stable block, paddock and car park.

To the east are buildings and associated land forming 'Ardene House Veterinary Practice', which along with the site are enclosed by mature woodland belts to the north, east and south-west. Beyond to the north and east are: Kingswells House (dating from 1666 and category B-listed); and Prime Four Business Park, comprising large modern office buildings and a hotel.

The A944 (Skene Road) and shared foot/cycle way (Core Path 91 – Westhill Road to Queens Road) are immediately to the south. On the south side of the A944 are three residential properties: Little Brodiach Cottage; Lynford; and Muirvale, beyond which the land raises up towards Kingshill Wood.

The Aberdeen Western Peripheral Route ('AWPR') South Kingswells Junction is around 460m to the west and when open will join the A944 at this point.

At present the site forms part of the vets practice, being last used to as a horse paddock with associated facilities.

The site is accessed from the A944, in a left and right in, with left out only arrangement.

### **Relevant Planning History**

Detailed planning permission (ref: 130400) was granted in December 2014 for a three-storey office building of some 17,000 sqm and 425 car parking spaces. This development was independent of the nearby Prime Four Business Park and the proposed access would have been via the existing junction which would have been altered. The permission was not implemented and expired in December 2017.

## APPLICATION DESCRIPTION

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### Description of Proposal

Detailed planning permission is sought for the construction of three separate class 3 (food and drink) outlets, two of which would have drive-thru facilities. Ardene House Veterinary Hospital will remain in its current location. The proposal can be broken down as follows –

Unit	Floor space	No. of Covers	No. of Parking Spaces	Drive-Thru
Unit 1	578sqm	154 seats	49	Yes
Unit 2	186sqm	66 seats	18	Yes
Unit 3	303sqm	48 seats	20	No
<b>Total</b>	1,067sqm	268	87	N/A

Unit 1 would be in the southern part of the site, set over two storeys with a flat roof. Units 2 and 3 would be to the north and single storey. All would be finished in a variety of cladding materials, including: natural stone tiles, composite cladding panels, render and brick.

The potential occupiers are not specified.

Access would remain off the A944, however it is proposed that the right turn in would not be maintained as a result of closing the central reservation. As such the junction would operate as a left in, left out only. The geometry of the existing junction, and of the internal access road, would be modified.

### 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=PCH2OYBZG0T00>.

- Drainage Impact Assessment;
- Ecology Report (2013);
- Ecology Report (Updated 2018);
- Planning and Design Statement;
- Sequential Assessment Statement;
- Transport Statement; and
- Tree Survey Report.

### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there have been more than 20 objections (237 received) and it is considered to be a departure from the development plan. These factors trigger a report to Committee to seek a decision on whether a public hearing should be held.

## CONSULTATIONS

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**ACC - Environmental Health** – No objection. Advise that proximity to neighbouring residential properties sees potential for a significant adverse impact on amenity from odour associated with cooking operations. Request that where cooking activities are to be undertaken, prior to a decision regarding planning consent, the applicant must carry out an assessment by a suitably qualified engineer to establish any necessary Local Extract Ventilation (LEV) equipment. The extent of the necessary ventilation equipment and the effectiveness of the associated cooking odour and fume control measures must be fully demonstrated.

Also advise that the location is not located within or adjacent to an Air Quality Management Area (AQMA). It is unlikely the impact of emissions to air from or associated with the development (including those associated with road transport and construction/demolition) would result in exceedances of the national objectives. Thus, an assessment of the impact on air quality is not required.

**ACC - Flooding and Coastal Protection** – No objection. The proposed use of SUDS and prevention of flood water exiting the site during a M200 event is noted. However, advise that it should be highlighted to the applicant that there is a high risk of surface water flooding at the site and it is recommended that consideration is given to including rain water harvesting in the design, this could include but is not limited to: raised planters coming off down spouts.

### **ACC - Roads Development Management Team –**

- Advise that access by pedestrians and cyclists is via a shared use path on the southern boundary (providing links to Westhill & Kingswells). Note that houses in Kingswells are c.1.6km walking distance from the site. Note that the revised design for the site access junction will include a shared pedestrian and cycleway on both sides of the access road, to tie into the existing infrastructure on the A944. Also note that there are no bus facilities in the immediate vicinity, with the Kingswells park and ride some 800m away.
- Advise that, as set out in the Transport and Accessibility Supplementary Guidance, the location sees the following maximum possible parking standard:
  - 1 space per 10m<sup>2</sup> for the 764m<sup>2</sup> of drive-thru restaurant use = 76.4 spaces + adequate queuing space;
  - 1 space per 12m<sup>2</sup> for the 303m<sup>2</sup> or restaurant use = 25.3 spaces;
 Therefore, there is a potential maximum of 102 spaces applicable.
- The applicant is proposing to provide 87 car parking spaces, which equates to 85% of the potential maximum. The applicant's justification for this reduced provision is that the site is "within easy walking distance" of Kingswells, Prime Four business park & the new football stadium. However, it is not accepted that the facility would be within reasonable walking distance of Kingswells, or the park and ride, and as such the shortfall is not accepted in this 'outer city' location. The applicant argues that similar sites suggested in the TRICS (Trip Rate Information Computer System) database are non-comparable as they are less rural. By that same logic, given the site is 'semi-rural' it can be argued that it is less accessible and as such, is more likely to encourage driving.

Cycle, motorcycle, and disabled parking are indicated as being proposed but are not tabulated / quantified in detail. As an example, it is not stated if this cycle parking is long-stay or short-stay, etc. – further details are required. Long-stay cycle parking should be provided for staff.

- Dimensions are required for road widths / footway widths / parking bay sizes, etc.

- Vehicular access from the A944 is to be via a left-in / left-out junction arrangement. This will necessitate that vehicles entering and leaving the site would use either the Kingswells roundabout to the east or the new AWPR roundabout to the west, should they be travelling to a destination opposite to the direction they exit.
- The access requirements for emergency service vehicles are normally dictated by the Fire Service and should be discussed with them.
- The swept path analysis shows that refuse vehicles would overhang the footway, grass, and parking spaces at several locations, this is not acceptable. A 250mm buffer is required between refuse collection vehicles and footways / parking spaces. Additionally, it is not shown how the refuse vehicle enters or leaves the Southern-most restaurant. The swept path for this manoeuvre should be detailed, as it appears potentially problematic.
- Swept paths should also be shown for HGV's of a size likely to be required for deliveries.
- The footway entering the site from the west narrows at the internal 90° corner. It is assumed that visitors will be required to cross the road here – however this footway is positioned on the “bad” side of the corner, requiring pedestrians to have a 270° field of vision to ensure there are no vehicles conflicts. Crossings should be shown, including the crossing at the front of the site access at the A944 on the refuge island.
- An internal road is shown leading to the North-West of the site, but there is no mention of where this leads. It is assumed this connects to the Prime Four site, but this should be clarified.
- A Transportation Statement (TS) has been produced, as opposed to a Transportation Assessment (TA). However, outlets exceeding 1000m<sup>2</sup> gross floor area, trigger a requirement for a TA.
- Section 2.9 of the transport statement states that the “*geometry of the junction, and the internal access road, would be...subject to a detailed design exercise during a planning application process.*” However, no such exercise has been undertaken to support this planning application. Similarly, section 2.13 states that “*the actual quantum of parking spaces would be determined during any subsequent planning application process*”.
- It is noted that the applicant states in section 3.7 that “*the nearest bus stops are located within 200m west of the site on the A944*”. This does not appear to be the case, as there is no bus stop in that location.
- Section 5.14 states that “*the development peak would occur out with the traditional weekday network peaks, therefore the traffic impact during the busiest periods on the network would be minimal.*” Whilst it is agreed that peak traffic flows associated to the development will occur out with wider network peaks, it is not agreed that this equates that the impact during the busiest periods will be minimal. For example, the PM peak for this development sees 167 total vehicle trips between 19:00 and 20:00, however the local peak between 17:00 and 18:00 still results in 130 vehicle trips, which is still a significant number of trips, and only ~28% less than the development peak.
- The above is especially true when you consider that the previous office use would have replaced the existing vet, whereas the current proposal will operate alongside that existing business. Traffic counts undertaken as part of the TA for the previous office use show that the 2017 PM peak for the vet was 41 trips. As such, the 130 pm peak vehicle trips, coupled with

the existing 41 pm peak trips equates to 171 pm peak trips, which is greater than the 167 pm peak trips the office would have generated.

- Section 6.9 of the TS states that “*The TRICS assessment also represents totals for each element, whereas in reality there will be shared trips between the outlets*”. I disagree and feel that the total GFA of all 3 is equivalent to a single unit of the combined GFA. It is unlikely that anybody will drive to the site with the intention of eating at several restaurants, they may change which restaurant they go to upon arrival, but the trip will still be undertaken to get there.
- The applicant states that “*TRICS was used to undertake an initial trip rate assessment...should therefore only be considered as giving initial guidance. It is recommended that specific surveys are undertaken...when a future planning application is being considered.*” As above, this is confusing, as a planning application is now being considered and no such information has been provided.
- The level of SUDS treatment shown appears sufficient.

In conclusion there are a number of outstanding issues in respect of this planning application. The Roads Development Management Team will be in a position to make further comment on receipt of the requested information.

**Aberdeen International Airport** – No objection. The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria. To avoid such conflict any planning permission should be subject to conditions requiring submission and approval of a Bird Hazard Management Plan.

**Archaeology Service (Aberdeenshire Council)** – No objection. It is recommended that owing to a former Quaker Meeting House being located somewhere within this area, a condition be attached requiring the submission and approval of a written scheme of investigation (WSI) and thereafter a programme of archaeological works be undertaken.

**Developer Obligations Team (Aberdeenshire Council)** – In order to mitigate the impact of the development on infrastructure, developer obligations of £1,502 would be required towards Core Path 91 for widening improvements.

**Kingswells Community Council (KCC)** – Object. As part of the discussions for the Prime Four masterplan KCC were given assurances that fast food outlets would not be appropriate for this development. Consequently, the suitability of this proposal is questioned. Any development in this area should comply with the vision laid out in the Prime Four Masterplan

- The only access to the development is a left in left out access from the A944. There is no direct access from within Prime Four which is 400m – 1,300m walk from the development. Given that one of the primary objectives is to serve Prime Four at lunch times, it is unlikely that many of these customers would walk due to excessive round-trip journey times.

Access by car from Prime Four is complicated by the necessity to go via the AWPR roundabout. An additional access point from within Prime Four should be provided to integrate the development into the overall Prime Four development. For other patrons the access to the site may be compromised if the Kingswells roundabout were to be changed to a signal-controlled junction as part of the changes required by the Countesswells Development. The Transport Assessment shows a potential, up to, 469 vehicles accessing this junction per hour. That is almost 8 vehicles per minute. This represents a significant increase over the existing situation.

The access has a deceleration lane but no acceleration lane. KCC question the safety of this arrangement. However, KCC would object to the removal of the trees in front of the vet to facilitate an acceleration lane if that was required. Consequently, if it is deemed necessary to provide an acceleration lane for the junction to operate safely the junction should be offset to the west. If this is not possible we would conclude that the junction design is not suitable for this location.

- One of the proposed objectives for this development is to provide facilities for people attending football matches and other activities at the Kingsford Stadium. One of the concerns raised for the stadium application was the danger to large numbers of football fans walking along the A944 from Kingswells Park and Ride to the stadium. The provision of a 'go to' destination along this route will attract more footfall and will increase the danger to football fans. The stadium application was approved assuming the use of shuttle buses between the stadium and the Park and Ride. Approval of this application will encourage fans to walk along the A944 to the development site. This could have major implications to the safety of football fans, as there is no provision in the stadium application to stop fans spilling onto the A944.
- Reconfiguration of the junction and the removal of the right turn into the Veterinary Hospital will increase journey times. This will be most evident when there is an emergency at peak times with traffic queueing along the A944. Any delays could have major impact on animal health and wellbeing. At other times when the access to the proposed development site is busiest the access to the vet will be compromised.

Overall KCC do not consider the development suitable for this location.

**Scottish Water** – No objection. There is currently sufficient capacity in the Invercarnie Water Treatment Works. There is currently sufficient capacity in the Nigg PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to Scottish Water.

**Transport Scotland** – The implications on the trunk road (AWPR) are being considered – further comments are awaited.

## **REPRESENTATIONS**

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Representations from 488 different individuals or organisations have been received. 237 of these object to the proposal and 251 are in support.

Those objecting include West Aberdeen Environmental Protection Association, the owners of the Bon Accord & St. Nicholas Shopping Centres and Aberdeen Civic Society. Most other objections come from those living in Westhill and Kingswells. Those in support tend to originate from the wider city and north east Scotland region.

These representations are summarised under the headings of 'Objections' and 'Support' below.

### **Objections**

#### Land Use

1. The proposal does not comply with the land use zoning for the site, which is 'specialist employment' (Policy B2). Demand for office space is increasing therefore the site should be retained in that use.
2. The site is designated as green space network (Policy NE1) and must be protected to ensure a buffer is maintained between Kingswells and Westhill. The development would infill the area.
3. The development should be within Prime Four Business Park.
4. The development would further erode the greenbelt (Policy NE2)
5. The development is contrary to the idea that the AWPR would not be a development corridor.

### Sequential Approach

6. The development is contrary to Policy NC1 (City Centre Development – Regional Centre) which requires that as a significant footfall generating development, the preferred location for it is the city centre, and if that is not possible, one of the existing town, district, or neighbourhood centres.
7. There has been a lack of flexibility in the applicant's application of the sequential test, contrary to part 1 of Policy NC5 (Out of Centre Proposals). A disaggregated development could be accommodated in existing retail centres. The applicant's sequential test fails to mention the Lang Stracht / Stronsay Drive site and it seeks that the development of three units be considered as a whole and then rejects alternative sites that would only be capable of accommodating a single unit.
8. No deficiency in quantitative or qualitative terms has been proven, contrary to part 2 of Policy NC5. There are existing food and drink premises in Prime Four and drive-thrus would be available within a 10-minute drive, once the AWPR opens.
9. The development would have a negative impact on the vitality and viability on local centres and the city centre, contrary to part 3 of Policy NC5 (Out of Centre Proposals). The development would divert trade from other outlets, including the 'Village Hotel' at Prime Four and proposed AFC Fan Zone.
10. The development would attract additional traffic, increasing traffic flows in the area, contrary to part 4 of Policy NC5 (Out of Centre Proposals).
11. The site is not easily accessible by regular, frequent and convenient public transport, contrary to part 4 of Policy NC5 (Out of Centre Proposals).
12. The proposed level of floor space would be significantly in excess of what could reasonably be considered to be required to meet the needs of the business park. It would be a destination in its own right and due to the distance between itself and the business Park, it instead would rely on passing trade on the A944.

### Transport

13. Further development on the A944 would increase traffic congestion. The impact of AWPR traffic on the road must be considered.

14. The existing cycle/footpath (a core path) would be affected, as vehicular access would be taken over it.
15. The proposed vehicular access between the site and Prime Four Business Park would be contrary to the Prime Four Development Framework.
16. The development would encourage football fans to walk along the A944, increasing road safety issues.
17. The transport assessment appears flawed.
18. The application makes no mention of the possibility that the fast food outlets proposed may also offer home delivery services, that would further add to the volume of traffic.
19. The transport statement implies that staff employed at these premises might be expected to park in the Kingswells Park and Ride car park.
20. The majority of customers would access the site by car, very few would walk. The development would encourage patrons to walk along the busy A944.
21. The suggestion that some customers might travel to these premises using the Park & Ride bus service or by bicycle from as far afield as Bieldside verges on the farcical. No bus stops are provided nearby, as suggest by the applicant.
22. The car parks provided for these premises would be likely to suffer from rogue parking when events take place at the proposed Kingsford stadium, because of the inadequate parking proposed for that development.

#### Amenity

23. The development would generate litter. Livestock in surrounding fields could be affected by litter. Fences should be provided to stop wind-blown litter.
24. The smell from fast food is unpleasant and would affect the surrounding area.

#### Association with Kingsford Stadium

25. Approval of the Kingsford stadium application should not be seen as a reason to also support this development as the stadium application was considered to be standalone and unique.
26. Development to support the AFC Stadium at Kingsford should not be drip-fed into the planning system and should have been highlighted when the stadium was granted permission. The public have been misled as the submission of this application has been delayed.
27. The applicant's agent, Aurora Planning, is alleged to be involved with Kingsford Stadium, yet it was meant to be a standalone development.

#### Other

28. The same principles apply to this proposal as to the previous proposal for a retail park at Prime Four Business Park, which was recommended for refusal.
29. The use would be inappropriate next to a vet practice.

30. The vets practice should remain at the site.
31. The application is potentially contrary to Policy D2 (Landscape) on the basis that the proposed buildings could have a significantly adverse impact on the landscape setting between Kingswells and Westhill.
32. There appears to be no proper Landscape Visual Assessment submitted, so it is not possible to accurately gauge the visual impact. However, it appears from the elevations submitted, that the application comprises formulaic fast food outlets which will do nothing to add to the attractiveness of the OP29 designation for specialist employment users nor encourage company headquarters to locate here.
33. There are already fast food outlets in Westhill and Kingwells, more are not required.
34. The development would change the ambiance of Westhill.
35. The development would reduce property values in Westhill.
36. The development would provide food which is acknowledged to be unhealthy. It would be to the detriment of people's health, especially children's and young adults, contrary to the National Obesity Strategy.

#### Administrative

37. The weighting given to objections should be explained in the report of handling.

#### **Support**

38. The development would increase the choice of food outlets in the area for residents, workers and road users. The Kingswells and Westhill area lack amenities and this would help.
39. The development would create jobs and have a positive economic impact.
40. The development would provide an opportunity for people to meet socially.
41. The development would be less obtrusive than an office building.
42. The low-level design of the buildings looks reasonable, landscaping looks good and the development would sit comfortably within the landscape.
43. There would be minimal impact on the road network and traffic would be less concentrated on peak times than that associated with the previous office development.
44. Closure of the central reservation on the A944 would improve road safety.
45. It is in a good location, away from residential properties.

## **MATERIAL CONSIDERATIONS**

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### **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 Policy**

#### **National Planning Framework 3 (2014)**

NPF3 is a long-term strategy for Scotland - the spatial expression of the Governments Economic Strategy, and of plans for infrastructure investment. The section on Aberdeen and the North East states that the city centre will be a focus for regeneration efforts.

NPF3 also highlights that city centres are key assets for attracting investment and providing services. Quality of place is fundamental to the success of Scotland's cities, in particular city centres. The Scottish Government wish to see ambitious, upto-date frameworks for city centre development. These should focus on the quality, sustainability and resilience of the built environment and wider public realm, and on improving accessibility by public and sustainable transport modes, such as cycling.

#### **Scottish Planning Policy (2014)**

Scottish Ministers, through SPP, expect the planning system, amongst other things, to: focus on outcomes, maximising benefits and balancing competing interests; play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities; and be plan-led, with plans being up-to-date and relevant.

SPP states that it is important that planning supports the role of town centres (which includes city centres), to thrive and meet the needs of their residents, businesses and visitors for the 21st century. The 'town centre first' principle, stemming from the Scottish Government's Town Centre Action Plan, promotes an approach to wider decision-making that considers the health and vibrancy of town centres.

The section on Promoting Town Centres states that out-of-centre locations should only be considered for uses which generate significant footfall where:

- all town centre (including city centre), edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town/city centres.

Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations

Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

## **Regional Policy**

### **Aberdeen City and Shire Strategic Development Plan (2014)**

The SDP sets out a series of key objectives for the growth of the City and Aberdeenshire. It recognises the importance of the city centre as an asset, and highlights that its regeneration is vital for the economic future of the area. It also states that there needs to be a strong focus on improving the quality of the city centre's shopping, leisure, commercial and residential environment. A target of ensuring Aberdeen city centre remains one of the top-20 retail areas in the UK is also set.

In line with SPP, section 4.2 states that a sequential approach will be taken when identifying sites for new retail development across the strategic development plan area.

Section 4.40 explains that to create sustainable mixed communities, retail services must be one of the main considerations in preparing masterplans and development briefs for new development. As well as the sequential approach to new retail development, existing retail centres will be supported to make sure that the needs of the community are met now as well as in the future.

### **Proposed Aberdeen City and Shire Strategic Development Plan (2018)**

Published in August 2018, the proposed SDP is a refresh of the 2014 SDP and outlines the strategic vision for the city region going forward.

In section 3.18 it is identified that Aberdeen City Centre is an important asset for the City Region and must continue to be enhanced and promoted. We need to take determined action to create a City Centre to be proud of, and which reflects the global status and ambitions of the city and the wider region. The City Centre will be promoted through excellent public transport links and by minimising the impact of traffic. Section 3.21 requires that development proposals out with the City Centre that would undermine its regional role should be strongly resisted.

Section 5.6 states that the Town Centre First Principle should be applied when considering significant proposals for retail, commercial leisure, offices and for community and cultural facilities. It is important that retail services throughout the City Region are directed to guarantee the vitality and viability of town centres, while creating opportunities for growth in the economy. It is particularly important that the transformation of Aberdeen City Centre is supported, and it is made sure that this key regional asset fulfils its potential.

The SDP proposes a target of making sure there is at least 60 hectares of marketable land available to businesses at all times in a range of locations within Aberdeen City. At least 20 hectares of marketable land in the Strategic Growth Areas should be of a standard which will attract high-quality businesses or be suitable for company headquarters.

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

- Policy B2 (Specialist Employment Areas) – In areas that are identified as Specialist Employment Areas, only Class 4 (Business) uses shall be permitted in order to maintain a high-quality environment. Activities associated with research, design and development, knowledge-driven industries and related education and training will be encouraged in these areas.

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.

- NC4 (Sequential Approach and Impact) – All significant footfall generating development appropriate to town centres (unless on sites allocated for that use in this plan) should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance –

- Tier 1 : Regional Centre
- Tier 2 : Town Centres
- Tier 3 : District Centres
- Tier 4 : Neighbourhood Centres
- Tier 5 : Commercial Centres

In these circumstances, proposals serving a catchment area that is city-wide or larger shall be located in the city centre if possible. Proposals serving a catchment area of a size similar to that of a town centre or district centre shall be located in a town centre or a district centre if possible. They may also be located in the city centre.

Proposals serving a catchment area of size similar to that of a neighbourhood centre shall be located in a neighbourhood centre if possible. They may also be located in any centre that is in the first, second or third tiers of the hierarchy.

In all cases, proposals shall not detract significantly from the vitality or viability of any centre listed in the Supplementary Guidance and shall accord with all other relevant policies in the Plan, including those relating to design, access and amenity.

- NC5: Out of Centre Proposals – All significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements (unless on sites allocated for that use in this plan) –
  1. no other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time.
  2. there will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance.

3. there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.
4. the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.
5. the proposed development would have no significantly adverse effect on travel patterns and air pollution.

- Policy B4 (Aberdeen Airport)

Any development falling within safeguarded areas identified on the airport safeguarding map will be subject to consultation with Aberdeen Airport Safeguarding Team. Any proposed development must not compromise the safe operation of the airport. Matters such as the height of buildings, external lighting, landscaping, bird hazard management and impact on communication and navigation equipment will be taken into account in assessing any potential impact.

- Policy D1 (Quality Placemaking by Design) – All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments. Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities as set out in SPP.
- Policy D2 (Landscape) – Developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. In order to secure high quality development, planning applications for new development must include a landscape strategy and management plan incorporating hard and soft landscaping design specifications. The level of detail required will be appropriate to the scale of the development.
- Policy I1 (Infrastructure Delivery & Planning Obligation) – Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

The precise level of infrastructure requirements and contributions will need to be agreed with the Council, in consultation with other statutory agencies where appropriate. The level of provision or contribution required will relate to the development proposed either directly or to the cumulative impact of development in the area and be commensurate to its scale and impact

- Policy T2 (Managing the Transport Impact of Development) – Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have

been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance. The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation.

- Policy T3 (Sustainable and Active Travel) – New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Street layouts will reflect the principles of Designing Streets and meet the minimum distances to services as set out in the Supplementary Guidance. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes. Recognising that there will still be instances in which people will require to travel by car, initiatives such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate

- Policy NE1 (Green Space Network) – The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network, which is identified on the Proposals Map. Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.
- Policy NE5 (Trees and Woodland) – There is a 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.

Permanent and temporary buildings and services 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.

Where trees may be impacted by a proposed development, a Tree Protection and Mitigation Plan will need to be submitted and agreed with the Council before any development activity commences on site. This should include details of compensatory planting, temporary earth works and any site preparation. Where applicable, root protection areas should be established and protective barriers erected prior to any work commencing.

Where appropriate, the Council will seek to promote the creation of new woodland and the planting of native trees in association with development. The majority of development sites offer opportunities for the planting of trees and hedgerows. Details of tree and hedgerow planting should be submitted as part of the proposal's landscape strategy.

- Policy NE6 (Flooding and Drainage) – Development will not be permitted if –
  - It would increase the risk of flooding;
  - It would be at risk itself from flooding;
  - Adequate provision is not made for access to water-bodies for maintenance; or
  - It would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Surface Water Drainage associated with development must be the most appropriate available in term so SUDS; and avoid flooding and pollution both during and after construction. Connection to the public sewer will be a pre-requisite of all development where this is not already provided.

- NE8 (Natural Heritage) – Development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary. Development likely to have a detrimental impact on protected species will not be approved unless: for European protected species, a thorough assessment of the site has demonstrated that the development is required for imperative reasons of overriding public interest and the population is maintained at a favourable conservation status in its natural range; or, for non-bird species protected under the Wildlife and Countryside Act 1981 (as amended) or the Protection of Badgers Act 1992, there will be significant social, economic or environmental benefits. In either case there must also be no other satisfactory solution.
- NE9 (Access and Informal Recreation) – New development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths, other paths and rights of way. This includes any impacts on access during the construction phase of a development. Applicants should provide detail on how public access and safety will be maintained during construction, for example through temporary diversions. Wherever possible, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.
- Policy R6 (Waste Management Requirements for New Development) – All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste.
- Policy R7 (Low & Zero Carbon Build & Water Efficiency) – All new buildings, must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology.

To reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques. The level of efficiency required, and types of efficiencies are detailed in Supplementary Guidance.

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

- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Hierarchy of Centres
- Landscape
- Planning Obligations
- Resources for New Development
- Transport and Accessibility
- Trees and Woodlands

## **Other Material Considerations**

- Aberdeen City Centre Masterplan – Approved by Full Council in June 2015, the City Centre Masterplan (CCMP) outlines a 20-year development strategy for Aberdeen City Centre. It identifies a series of projects that will support future economic growth and will secure more benefits and opportunities for the communities of Aberdeen City and Shire. The projects are complemented by a robust, costed and achievable delivery programme and together these provide a framework for managing city centre type development up to 2035.
- Strategic Investment Plan – The Council's Strategic Infrastructure Plan (SIP) focuses on the development of the enabling infrastructure needed to realise the city's aspirations to be an even more attractive, prosperous and sustainable city and deliver growth. Regeneration of the city centre is identified as a key goal of the SIP.
- Employment Land Audit 2016/17 – The Aberdeen City and Shire Employment Land Audit (ELA) provides up-to-date and accurate information on the supply and availability of employment land in the North-East of Scotland.

## **NEXT STEPS**

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A report will be prepared by officers with a recommendation assessing the proposed development and making a recommendation to members.

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