

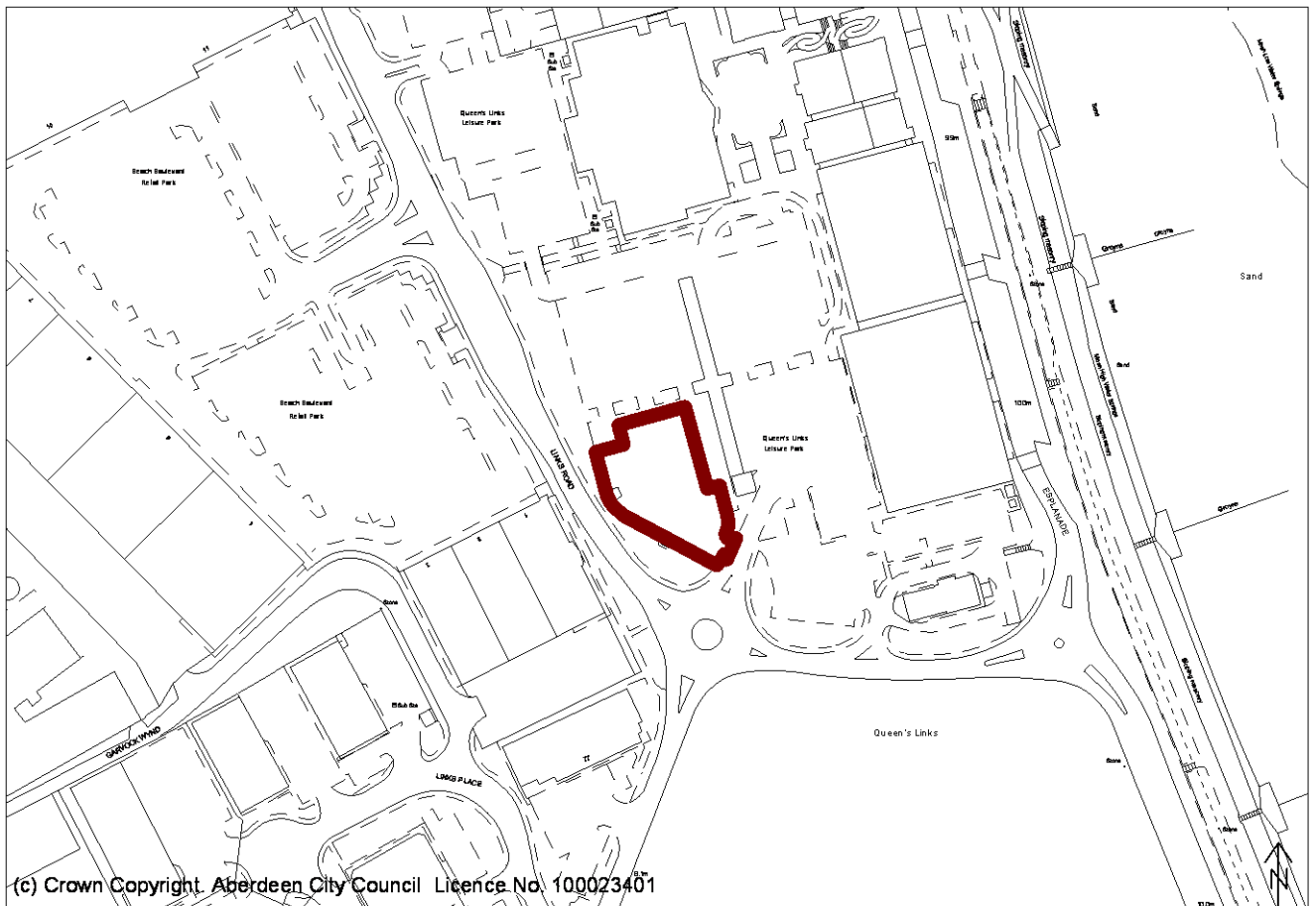
QUEENS LINKS, QUEENS LINKS LEISURE
PARK

PROPOSED DRIVE-THRU RESTAURANT

For: X-Leisure

Application Ref. : P120909
Application Date : 26/06/2012
Officer : Robert Forbes
Ward: George Street/Harbour (A May/J
Morrison/N Morrison)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on : 11/7/12
Committee Date : 17 January 2013
Community Council : Comments



RECOMMENDATION: Approve with Legal Obligation and Conditions

DESCRIPTION

This site comprises an area of surface car parking and incidental open space forming part of Queens Links Leisure Park. The main anchor unit of this popular destination is a multi screen cinema. The two major leisure units at the south east of the park have been vacant for years but were previously used as a nightclub and bingo hall. The main pedestrian / cycle access to the Leisure Park is located at its north east corner, where there are ramps and stairs providing connection with the Beach Esplanade. Both Links Road and Beach Esplanade are designated as bus routes. The nearest bus stops are on Links Road approximately 100m from the site. There is an established landscape strip / bund running along the boundary of the site with Links Road.

Immediately to the east of the site lies a main vehicle access point to the leisure park car park. There are two other vehicle access points to the car park. To the south of the site beyond the access road lies an area of undeveloped grassed open space. To the south west of the site lies industrial / business premises and to the north west is Beach Boulevard Retail Park. The closest residential properties are flats on St Clement Street, in excess of 300m from the site.

HISTORY

Planning permission for development of the leisure park, on land which was formerly public open space, was granted by the Council in the 1990's and was implemented. This permission included development of the existing Burger King drive through restaurant on land to the east of the application site.

PROPOSAL

Detailed planning permission is sought to construct a restaurant unit on part of the car park. It would be located parallel to the existing landscape strip running along the boundary to Links Road. The building would be set at an angle relative to that road. It would have a floor area of approximately 330 square metres and would be single storey. The walls would be clad with insulated cladding panels. The roof would be flat and would incorporate solar panels. The main public area, including a seating area would be located at its south eastern end and would be largely glazed. A pedestrian access and link would be formed to connect with the existing pavement at the access to the east. Cycle parking stands would also be provided. Ten surface car parking spaces would be provided within the site and the building would be surrounded by an access road in order to allow it to function as a "drive-thru". The development would result in a net loss of 71 car park spaces from within the existing car park. No new access from or egress onto the public road would be created.

REASON FOR REFERRAL TO SUB-COMMITTEE

The proposal required to be advertised as a project of public concern and the Council has a financial interest in the site. In addition, objection has been received from the Council's roads officers and from the Community Council.

CONSULTATIONS

ROADS SECTION – Express concern regarding loss of car parking at the site and object to the proposal on that basis. Their comments are circulated herewith;

ENVIRONMENTAL HEALTH – No objection;
PLANNING GAIN UNIT – Request that a financial contribution be made towards enhancement of core paths;
COMMUNITY COUNCIL – Object on the basis of increased car parking pressure, generation of waste / attraction of seagulls and conflict with sustainable travel objectives.

REPRESENTATIONS

None

PLANNING POLICY

SPP para 38 (Sustainable Development) promotes re-use of previously developed land, taking account of the capacity of existing infrastructure and reducing the need to travel. Para 167 (Transport) states that development should be supported in locations that are accessible by walking, cycling and public transport. The amount of car parking permitted should be controlled to encourage more sustainable travel choices.

The site is zoned as urban green space (policy NE3) in the Adopted Local Plan. Local plan policies D1 (Architecture), D3 (Sustainable Travel), T2 (Managing Transport Impact), D6 (Landscape), NE3 (Urban Green Space) and NE5 (Trees) are of relevance. Policy T2 identifies maximum car parking standards for the proposed use and for the other existing uses within the leisure park.

The open space to the south of the site is zoned as urban green space (policy NE3) but is designated as an opportunity site for development (OP102) which states that it is reserved for an energy futures centre.

EVALUATION

This application requires to be determined in accordance with the Development Plan, unless outweighed by other material considerations. The Development Plan consists of the Approved Structure Plan and the Adopted Local Plan. Other material considerations include Scottish Government Planning Policy and the planning history.

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the

plan only in so far as it related to Issue 64 (Allocated Sites: Woodend...Summerhill... etc.) and that it would be disproportionate to quash the whole plan.

This evaluation has had regard to and taken into account the legal challenge. None of the policies or material considerations which apply to this application would be affected by the terms of Tesco's challenge. The recommendation would be the same if the application were to be considered in terms of the 2008 Aberdeen Local Plan.

Development Plan Policy

As the development is of small scale, the structure plan is of limited relevance in this case. Policy NE3 allows development in green space areas subject to a number of detailed environmental criteria. It is considered that, subject to conditions regarding provision of replacement soft landscape planting within the site, the proposal accords with these criteria. The adopted local plan is silent as regards the principle of extension / redevelopment of the leisure park, although the fact that it identifies the existing undeveloped public open space to the south of the site as a "brownfield" opportunity site for development, that the proposed development is relatively small scale and forms an integral part of the existing authorised leisure park use are relevant material considerations which weigh in its favour. No trees of outstanding amenity value would be lost. Subject to imposition of conditions regarding enhancement / replacement of green space / soft landscaping within the site, the proposal would accord with the designation of the site as urban green space in the adopted local plan and policies D6, NE3, NE5.

As the proposed building would be of similar design quality to that of other existing buildings within the leisure park and the nearby retail park, and is not located in an area which is identified as being of special townscape or landscape value, it is considered that it satisfies local plan policy D1

Sustainable Transport

Whilst the principle of drive through restaurants is questionable in terms of sustainable development and local plan policy D3 (as they can be regarded as encouraging car travel) there is no policy within the local plan or structure plan which specifically prevents such forms of development. Roads officials have no objection to the nature / principle of the proposed use and do not request any conditions / developer contributions regarding enhancement of public transport facilities in the area (e.g. provision of bus shelters on Links Road). The location of the site on brownfield land within the built up area of the city and the use of existing surplus car parking are factors which weigh in favour of the development in terms of SPP regarding sustainable development. As the site is accessible by walking, cycling and public transport and car parking can be controlled, it would comply with SPP regarding transport and with local plan policy D3.

Car Parking

Although a significant number of car parking spaces would be lost from within the leisure park as a result of the development, given the existence of car parking controls on the public roads adjacent to the site, including yellow lines / metering on Links Road and Beach Boulevard, it is considered unlikely that this would

result in a public road safety hazard due to displacement of car parking pressure onto those public roads. The parking survey undertaken by the applicant indicates that there is generally surplus car parking within the leisure park, notwithstanding that it appears to be used by staff from the adjacent retail park as free commuter car parking. The survey concludes that displacement of car parking pressure onto Beach Esplanade nearby, where there are currently no parking meters, or elsewhere, would not be a problem, although the Council's roads projects officers do not agree with this conclusion, particularly in light of the fact that the leisure park is not fully occupied. It is noted that camera enforcement of car parking control (maximum 3 hour stay) is in force at the adjacent retail park, in contrast to the existing situation at Queens Links leisure park, where unregulated parking remains. The proposed level of car parking provision within the site and Queens Links complies with Scottish Government and Council planning policy regarding transport (e.g. local plan Policy T2) and the Council's maximum car parking standards. There has been significant change in policy at both local and national level in relation to car parking provision since the development of the retail park, when car parking standards were applied as minimums. The legitimacy of insisting on provision for 100% of parking demand within the site at all times is therefore questionable, notwithstanding that the beach area remains a popular leisure destination and attracts high parking demand at peak periods.

Whilst the roads officers have concerns regarding the time of year that the car parking survey was undertaken, given the duty to determine planning applications, it is not considered reasonable to defer consideration of the planning application until a survey is conducted in the peak summer months and the findings of such a survey are subsequently reported on as this will result in significant delay. In any event, it is unlikely that the findings of such a survey, or the views of the Roads officers would be substantively different.

It is considered that the proposed reduction in car parking provision on site would help to encourage more sustainable travel modes. It is considered that sufficient car parking would potentially remain available to users of the leisure park. Indeed, it is hoped that there would be a degree of shared use of these facilities, thereby maximising the efficient use of the car parks. It is considered that any potential overspill parking pressure on Beach Esplanade resulting from the development, predominantly limited to peak periods, can be addressed by use of a legal obligation requiring contribution to / introduction of car parking controls there and control of the operation of the existing car park at the leisure park (e.g. by introduction of car parking charges / control of duration of parking).

As regards the concern expressed by the roads officers regarding increased car parking pressure resulting in possible abuse of private car parking areas nearby, it is considered that this is not a matter of public interest and is primarily a matter for such landowners to address.

Community Council Objection

The concerns regarding sustainable transport and parking pressure are addressed above and are not considered to warrant refusal of the application. As regards their concerns regarding litter generation and attraction of seagulls, it is

noted that refuse stores would be provided within the site and no objection has been received from the Council's environmental health officers to the proposal. A related condition regarding refuse storage is recommended. Given the significant distance between the site and housing, it can be concluded that there would be no adverse impact on residential amenity. Whilst it is acknowledged that anti-social behaviour, including littering, is an existing problem which affects Aberdeen Beach and other areas, it is not legitimate to use this as a reason for refusal.

Although the Council has an interest in this site as landowner, there is no requirement for the application to be referred to the Scottish Government for scrutiny in this instance as the application is not contrary to the development plan and the proposal would not prejudice the use of, or result in the loss of, an outdoor sports facility.

RECOMMENDATION

Approve with Legal Obligation (This is required in order to address the transport impact of the development by means of controlling the use of the existing car park at the leisure park and financial contribution towards provision of / introduction of car parking controls on Beach Esplanade and enhancement of core paths) **and the conditions identified below.**

REASONS FOR RECOMMENDATION

Subject to imposition of conditions regarding enhancement / replacement of green space / soft landscaping within the site, the proposal would accord with the designation of the site as urban green space in the adopted local plan. Subject to provision of further information / imposition of conditions, the proposals would accord with wider planning policies. Further conditions and a legal obligation are required in order to address the transport impact of the development and ensure on site provision of low / zero carbon equipment.

it is recommended that approval is granted with the following conditions:

(1) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(2) That no development shall take place pursuant to this planning permission unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority. The building hereby granted planning permission shall not be occupied unless the approved scheme has thereafter been implemented in full - in the interests of encouraging more sustainable modes of travel.

(3) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.

(4) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 2250/1000 E of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and /or the use of the wider leisure park - in the interests of public safety and the free flow of traffic.

(5) that the building hereby approved shall not be brought into use unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details - to ensure this development complies with requirement for on-site carbon emissions contained in Scottish Planning Policy (SPP) and specified in the the City Council's relevant published Supplementary Planning Guidance 'Low and Zero Carbon Buildings'.

(6) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(7) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

Dr Margaret Bochel

Head of Planning and Sustainable Development