

Planning Development Management Committee

UNITS 8&9 QUEEN'S LINKS LEISURE PARK, LINKS ROAD

CHANGE OF USE FROM CLASS 11 ASSEMBLY & LEISURE TO CLASS 1 NON-FOOD GOODS MIXED BETWEEN BULKY AND GENERAL COMPARISON GOOD WITH 1 PERCENT OF CONVIENCE GOODS INCLUDING COFFEE SHOP AND THE LINKING OF BOTH UNITS TO FORM ONE SINGLE UNIT, EXTERNAL ALTERATIONS TO FACILITATE THE LINKING OF THE UNITS AND FORMATION OF NEW 'SHOPFRONT' OPENINGS AND REPLACEMENT OF SOLID CANOPIES WITH TRANSLUCENT TYPE GLAZING

For: X-Leisure Ltd

Application Type : Detailed Planning Permission
Application Ref. : P130488
Application Date: 05/04/2013
Officer : Gavin Clark
Ward : George Street/Harbour (A May/J Morrison/N Morrison)

Advert :
Advertised on:
Committee Date: 29th October 2013
Community Council : Comments



RECOMMENDATION: Approve Subject to Conditions

DESCRIPTION

This site comprises two vacant buildings (Units 8 and 9), which form part of Queens Links Leisure Park. The main anchor unit of this popular destination is a multi screen cinema. The two units were previously used as a nightclub and bingo hall and have been vacant for 10 and 4 years respectively. The main pedestrian / cycle access from the City Centre to the Leisure Park is located at its north west corner, whilst there are ramps and stairs providing connection with the Beach Esplanade. The Esplanade is located to the immediate east of the site. A fast food restaurant is located to the immediate south of the site. The nearest bus stops are to the immediate north-east on the Esplanade and Links Road approximately 150m from the site. There is an established landscape strip / bund running along the boundary of the site with Links Road.

To the south-west 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 north-west. To the south of the site beyond the access road lies an area of undeveloped 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 350m from the site.

RELEVANT HISTORY

Planning permission for development of the leisure park, on land which was formerly public open space, was granted by the Council in the 1990s and has been implemented.

An application (Ref: A3/2329) was submitted in December 2003 for a change of use to form a casino. This change of use was deemed as permitted development.

Planning permission (Ref: A7/2463) was approved in February 2008 for the formation of an existing 3000 square foot unit within the existing nightclub, new unit created as a restaurant and a number of external alterations. This permission was not implemented and has since expired.

Planning permission (Ref: A8/1958) was approved in January 2009 for the subdivision of the existing unit to create two separate units and change of use to Class 3 restaurant unit with bar (Unit 1) and Class 3 restaurant (Unit 3). This permission can still be implemented.

Planning permission (Ref: 120909) was refused by the Development Management Sub-Committee on the 1st February 2013 on a site within the car park, to the immediate west of the application site, for the erection of a drive-thru restaurant predominantly due to concerns in relation to the loss of parking.

There have also been a number of applications for signage, installation of ATM machines and various other proposals in the wider area.

PROPOSAL

The application seeks detailed planning permission for a change of use of Units 8 and 9 of the Queens Links Leisure Park from Class 11 (Assembly and Leisure) to Class 1 (Shops), with a link between the two buildings to form a single retail unit, which will result in an additional gross floor area of 135 sq m. At present the existing units are comprised as follows:

- Unit 8 – 2325 sq m total floor area;
- Unit 9 – 3575 sq m total floor area; and
- Total Floor Area – 6900 sq m.

The proposal includes the formation of a small café, on a mezzanine level, which will open up onto the Beach Esplanade. Administration offices and storage facilities will also be provided within the building.

The proposal includes a net floor area of 54% for bulky comparison goods, 45% for general comparison goods and a minimal area for the aforementioned café.

A number of external alterations will also form part of the application, which can be detailed as follows:

- The removal of the existing metal roofed canopies and columns to the east and west elevations and installation of cantilevered glass canopies
- The creation of a new glazed entrance from the Beach Esplanade on the east elevation. The purpose of this entrance would allow access to the new coffee shop on a mezzanine level with direct access to the retail floor area on the ground floor;
- New display windows created along the eastern elevation to the Esplanade;
- Creation of a single glazed entrance to the store from the car park on the western side of the development.

Further environmental improvements are also proposed as part of the development, which can be detailed as follows:

- The removal of the bitmac surface to the pavement along the Esplanade elevation of the building and resurfacing with a lock block surface to match the existing esplanade pavement to the north;
- The removal of the taxi drop off lane from the front of the former Amadeus Building and the creation of new landscaped areas;

The internal fit of the building will provide a front of house retail floor area, administrative offices and storage accessed from the storage yard located at the southern end of the building. A mezzanine coffee shop will be provided above the retail floor space and will be accessed from both within the store and from the Esplanade.

Supporting Documents

Retail Impact Assessment – submitted April 2013

Transport Assessment – submitted April 2013

Transport Assessment Addendum – submitted September 2013

Planning Statement – submitted April 2013

Marketing Experience – submitted April 2013

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130488>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Committee because Castlehill and Pittodrie Community Council has objected to the application, accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – the response of the Council's Roads Projects Team will be discussed later in this report, however, in summary, they have provided comments in relation to parking, access, the Esplanade, a Travel Plan Framework, service yard and cycle parking and have confirmed no objection to the application subject to the insertion of appropriate conditions.

Environmental Health – no observations.

Enterprise, Planning & Infrastructure (Flooding) – no observations.

Community Council – response received. Castlehill and Pittodrie Community Council have objected to the application for the following reasons:

- Concerns that a prime area of leisure development will be transformed into retail use – advised of more appropriate locations;
- The proposal, if approved, will set an undesirable precedent for future development;
- Concern in relation to the access and the loading/ unloading of articulated vehicles and delivery vans in a car park – the submitted plans show a small yard area, which does not appear to be large enough of the lorries;

- Clarification on the volume of transport movements anticipated, both at quiet and busy periods and clarification on health and safety issues for large lorries navigating a leisure car park;
- Request for clarification on the types of jobs, whether they are permanent and whether jobs created during the alterations/ fit out had been included in the number previously quoted;
- Request for a statement from the applicant on what measures they currently adopt to engage with, and promote development of the communities where they already have stores.
- The acceptability of the Queens Links for retail development, is this an acceptable place for retail development, and will this negatively impact on the character and appearance of the surrounding area?

REPRESENTATIONS

No letters of representation, other than that from the Community Council have been received.

PLANNING POLICY

Scottish Planning Policy

Paragraph 38 of Scottish Planning Policy (Sustainable Development) promotes re-use of previously developed land, taking account of the capacity of existing infrastructure and reducing the need to travel.

Paragraph 45 states that authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential. The planning system should support economic development in all areas by:

- Promoting development in sustainable locations, particularly in terms of accessibility;
- Promoting regeneration and the full and appropriate use of land, buildings and infrastructure;
- Supporting development which will provide new development opportunities and enhance local competitiveness; and
- Promoting the integration of employment generation opportunities with supporting infrastructure and housing development.

Paragraph 48 states that “planning authorities should support proposals to bring vacant or derelict land back into productive use for development, or to create more attractive environments” and “Authorities should therefore adopt a proactive approach to encourage the re-use of buildings and previously developed land.

Paragraph 64 states that, when a proposed retail or commercial leisure development is contrary to the development plan, planning authorities should ensure that;

- The sequential approach to site selection has been used;
- There is no unacceptable individual or cumulative impact on the vitality and viability of the identified network of centres;
- The proposal will help meet the qualitative and quantitative deficiencies identified in the development plan; and
- The proposal does not conflict with other significant objectives of the development plan, or other relevant strategy.

Paragraph 65 states that, a Retail Impact Assessment should be undertaken where a retail and leisure development over 2,500 square metres gross floor space outwith a defined town centre is proposed which is not in accordance with the development plan. An impact analysis may also be necessary for smaller retail and leisure proposals which may have a significant impact on vitality and viability. The impact analysis should consider the relationship of the proposed development with the network of centres identified in the development plan. In carrying out an analysis, a broad-based approach should be adopted. It should not be necessary to attempt detailed calculations or forecasts of a sector's growth as small variations in assumptions can lead to a wide range of forecasts. Authorities and developers should, where possible, agree data and present information on areas of dispute in a succinct and comparable form.

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.

Paragraph 168 states that “planning permission should not be granted for significant travel generating issues in locations which would encourage reliance on the private car where:

- Direct links to walking and cycling networks are not available, or cannot be made available;
- Access to public transport networks would involve walking more than 400m; and
- It would have a detrimental impact on the capacity of the strategic road and/ or rail network.

Aberdeen City and Shire Structure Plan

The Aberdeen City and Shire Structure Plan states that it is very important that retail services throughout the region are promoted to guarantee the vitality and viability of our town centres, whilst creating opportunities for growth in the economy. The Structure Plan also has an aim for Aberdeen to be one of the top-25 retail areas in the UK by 2030.

Aberdeen Local Development Plan

Policy C1: City Centre Development – Regional Centre: states that proposals for new retail, commercial, leisure and other city centre uses shall be located in accordance with the sequential approach referred to in the retailing section of the plan and in the relevant Supplementary Guidance: Hierarchy of Retail Centres.

Policy C2: City Centre Business Zone and Union Street: states that the City Centre Business Zone is the preferred location for major retail developments detailed in Policy RT1. Where sites are not available in the City Centre Business Zone, then sites in the City Centre may be appropriate.

Policy NE3: Urban Green Space: development will only be acceptable provided that:

1. There is no significant loss to the landscape character and amenity of the site and adjoining areas;
2. Public access is either maintained or enhanced;
3. The site is of no significant wildlife or heritage value;
4. There is no loss of established or mature trees;
5. Replacement green space of similar or better quality is located in, or immediately adjacent to the same community, providing similar or improved benefits to the replaced area, and is accessible to that community, taking into account public transport, walking and cycling networks and barriers such as major roads;
6. They do not impact detrimentally on lochs, ponds, watercourses, or wetlands in the vicinity of the development; and
7. Proposals to develop playing fields or sports pitches should also be consistent with the terms of Scottish Planning Policy.

Policy RT1: Sequential Approach and Retail Impact: all retail, commercial, leisure and other development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance: Hierarchy of Retail Centres:-

- Tier 1: Regional Centre
- Tier 2: Town Centres
- Tier 3: District Centres
- Tier 4: Neighbourhood Centres
- Retail Parks

Proposals for development on an edge-of-centre site will not be supported unless:

- The proposal is one that would have been appropriately located in the retail location to which it relates; and
- In the retail location to which it relates no suitable site for the proposal is available or is likely to become available in a reasonable time.

In all cases, proposals shall not detract significantly from the vitality or viability of any first, second, third or fourth tier retail location listed in the Supplementary Guidance: Hierarchy of Retail Centres, and shall accord with all other relevant

policies of the Local Development Plan, including those relating to design, access and amenity. A Retail Impact Assessment may be required.

A restriction may be imposed on the amount of comparison goods floor space allowed within convenience shopping developments outside the city centre or other town centres. Retail Parks are appropriate for large bulky comparison goods if the city centre/ town centres are not available and the site is easily accessible by public transport.

Policy RT2: Out of Centre Proposals: retail, commercial, leisure and other development appropriate to town centres, when proposed on a site that is out of centre, will be refused permission if it does not satisfy all of the following requirements:

1. No other suitable site in a location that is acceptable in terms of Policy RT1 is available, or likely to become available in a reasonable time;
2. There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres;
3. There is, in qualitative or 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 choice of a means of transport using a network of walking, cycle and public transport routes which link it with its catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependant solely on access by private car; and
5. The proposed development would have no significant adverse effect on travel patterns and air pollution.

Policy T2: Managing the Transport Impact of Development: new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/ or legal agreements may be imposed to bind in targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review.

Policy D1: Architecture and Placemaking: to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Supplementary Guidance

Hierarchy of Centres

Shopfront and Advertisement Design Guide

Transport and Accessibility

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

The main issues in relation to the determination of this planning application relate to its accordance with Scottish Planning Policy (SPP), the proposals acceptability in terms of planning policy within the Aberdeen Local Development Plan, the principle of Change of Use from Class 11 to Class 1 within a Leisure Park, the response from the Council's Roads Projects Team, and the comments received from Castlehill and Pittodrie Community Council.

Scottish Planning Policy

A number of areas of Scottish Planning Policy (SPP) are considered to be relevant in the assessment of this application. Paragraph 38 relates to the re-use of previously developed land. Whilst this would predominantly relate to Brownfield sites, it is considered relevant in this instance as it relates to two leisure units which have been vacant for ten and four years.

In terms of Paragraph 45, which advises that planning authorities should take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised, it is considered that it has been sufficiently demonstrated that leisure use is no longer a viable option for the site and that a bulky retail developer, a type of retailer which is not yet found in Aberdeen and would bring jobs and a business to the area should be encouraged. A number of other uses have been explored over the last few years, as detailed in the marketing statement, including bowling operators, pool bars, bar/ restaurants, nightclub operators, health and fitness operators, casino operators and hotel groups, no significant interest has been forthcoming from any of these operators. This issue will be discussed in greater detail later in this report. The development is also considered to be in a sustainable location, being accessible by public transport and on foot by local residents; an appropriate use of the land, which would provide a new development opportunity/ local competitiveness and would seek to promote the integration of employment generation opportunities.

Paragraph 48 states that planning authorities should support proposals to bring vacant and derelict land back into use and provide a more proactive approach to encourage the re-use of buildings. The proposal is considered to accord with this section of policy, as the Planning Authority is seeking to encourage a new use in

buildings that have been vacant for a significant period of time, as previously mentioned.

Paragraph 64 advises that when a proposed retail or commercial/ leisure development is contrary to the local development plan a number of steps require to be met to warrant approval. In this instance a sequential approach to site selection has been used, which has identified satisfactorily that there are no other acceptable sites or premises of sufficient size within Aberdeen. This is discussed in more detail later in this report.

Furthermore, it has been adequately demonstrated that there will be no significant unacceptable impact on the network of centres. The proposal will help meet qualitative and quantitative deficiencies, given that there are no comparable premises of this type within the city, and the proposal will bring a new use to the city in units which have been vacant for a significant period of time. In addition, the proposal would not conflict significantly with the objectives of the development plan.

Paragraph 65 requests the submission of a Retail Impact Assessment for development over 2500 square metres in size. This has been undertaken and submitted with the planning application.

The development site is in a location easily accessible by car, bus and foot. Therefore the proposal is in accordance with Paragraph 167. In addition, direct links are available to walking and cycling networks along with the number 15 First Bus serving the site every 30 minutes, with bus stops located 230m to the immediate north-west on Links Road and to the immediate north east on the Esplanade. The proposal will also result in minimal impact on the capacity of the strategic road network, an issue which will be discussed in greater detail later in this report. The proposal also accords with the principles of Paragraph 168.

The proposal is therefore considered to generally accord with the terms of Scottish Planning Policy.

Aberdeen City and Shire Structure Plan

The Structure Plan seeks to provide opportunities which encourage economic development and create new employment in a range of areas. The site itself is located within the Strategic Growth area, and will bring a new economic use and create new employment within the city, as a result, the proposal is considered to accord with the objectives of the Structure Plan.

Aberdeen Local Development Plan:

Although the site is zoned as Urban Green Space (Policy NE3) in the Aberdeen Local Development Plan it is not relevant to this application, as the site has previously been developed, with no landscape character associated with the site. There will be no loss to landscape character, no impact on public access, the site is of no wildlife or heritage value, there will be no loss of trees, no requirement for replacement green space, no impact on lochs, ponds etc and is also considered to be consistent with the terms of Scottish Planning Policy.

Policy C1 advises that proposals for new retail, commercial and other city centre uses shall be located in accordance with the sequential approach. A sequential test was undertaken, and for reasons detailed later in this report there are no other premises of sufficient size within Aberdeen. The proposal therefore does not conflict with the aims of Policy C1 “City Centre Development – Regional Centre”.

Policy C2 states that the City Centre Business Zone would be the preferred location for major retail developments as detailed in policy RT1. This issue will be discussed in greater detail through assessment of the aforementioned policy later in this report.

Policy RT1 advises that appropriate developments should be located in accordance with the hierarchy and sequential approach as set out in the supplementary guidance. The Queen’s Links Leisure Park does not fall into any of these categories, as it is not a regional centre, town centre, district centre, neighbourhood centre or retail park.

Proposals for development on an edge-of-centre site will not be supported unless the proposal is one that would have been appropriately located in the retail location to which it relates and in the retail location to which it relates no suitable site for the proposal is available or is likely to become available in a reasonable time.

Whilst the location is not entirely acceptable given the surrounding leisure use it has been demonstrated there are no other suitable sites or premises for the development within the city boundaries. The proposal is therefore partially considered to accord with this policy.

Whilst it is acknowledge that there will be some impact, the proposal will not have any significant impact on the vitality or viability of any of the retail locations within the city as detailed in the associated Supplementary Guidance. A Retail Impact Assessment was submitted which confirmed this stance.

The policy also states that a restriction may be imposed on the amount of comparison goods floor space allowed within convenience shopping developments outside the city centre or other town centres. A condition is to be added to the planning consent to ensure that at least 50% of the shop will be used for bulky goods. Retail Parks are appropriate for large bulky comparison goods if the city centre/ town centres are not available and the site is easily accessible by public transport.

In this instance it is recommended that a condition be inserted to the planning consent restricting the use of the site to the proposed use, which will ensure that the Planning Authority can control the use of any future developments. The site, overall, is considered to be an acceptable location for a bulky comparison goods store.

Policy D1 “Architecture and Placemaking” of the Aberdeen Local Development Plan seeks to ensure a high standard of design, and that all new development gives a due consideration to its context. At present the properties have lain empty for a number of years and the alterations proposed alterations and environmental improvements would make a positive contribution to the existing building and to

the wider streetscape. The proposal is therefore considered to accord with the aforementioned policy. The alterations are also considered to conform with the general principles of the Shopfront and Advertisement Design Guide, which advises of the basic principles that should be respected in design of shopfronts and advertisements.

In terms of Policy T2, proposals need to adequately demonstrate that sufficient measures have been taken to minimise the traffic generated. In addition Transport Assessments and Travel Plans may be required for developments which exceed the threshold set out in the Transport and Accessibility Supplementary Planning Guidance.

Taking the above into account it is clear that parking/ traffic generation is a key factor in the determination of this application. The applicants have submitted a Transport Assessment and Transport Assessment Addendum, which show the results of a parking survey, which was undertaken at peak times during the late summer (August 2013). The results of this have been assessed by colleagues in the Roads Projects Team and will be discussed later in this report. In addition, it is recommended that a condition is to be inserted to the planning consent requiring the submission of a Travel Plan (for staff) that prior to the occupation of the development which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements and modal split targets. Overall, the proposal is considered to be in general accordance with the above policy.

Supporting Statements/ Information:

The applicants have submitted a marketing statement in association with the application which has advised as follows:

In terms of Unit 8, the Amadeus Nightclub closed in 2003, with the property having remained vacant since that date. From 2006 until the present day the subjects have been openly and extensively marketed to the leisure/ hospitality/ restaurant sectors. Despite extensive marketing they have been unable to attract an occupier.

In terms of Unit 9, Gala Bingo Ltd had control of the property until January 2013, although the site has been empty for the last four years. The fact that the combination of both units will allow a total of 6900 square metres does not enhance the ability to secure occupiers as this creates a far larger area than would be required by any potential leisure operator.

Given the low levels of demand from the leisure market, and the extensive marketing which has been demonstrated by the applicant, it is considered that there is little demand for leisure/ restaurant use within either of these units. In addition, uses such as bowling operators, pool bars, golf, bar/ restaurant groups, nightclub operators, health and fitness operators, casino operators and hotel groups have been considered, and the sites marketed as such with little demand or interest from developers, as detailed in the marketing statement.

The benefits provided by the development, including opening up the beach elevation, are considered to be advantageous in this situation. In addition, the

mixture of retail and leisure is not new in Scotland, with developments at Glasgow Fort and Fort Kinnaird in Edinburgh being of a similar nature.

Sequential Approach to Development:

The application site is located approximately 950m from the eastern edge of Union Street. The site could therefore be described as an out-of-centre location. Out of centre locations should be easily accessible by a choice of transport modes. The proposed unit will be linked to the existing housing units, including the Bannermill Development, which is approximately 330m to the north, by existing footpaths. Cycle storage facilities are to be provided as part of the planning consent. There is also a bus service (Number 15 – First Bus) linking the site with the rest of the city.

It could therefore be concluded that the site is easily accessible by a choice of transport modes in addition to the car, which ensures that the site meets part of the requirements of a suitable out-of-centre site, in accordance with the terms of both Scottish Planning Policy and the Aberdeen Local Development Plan.

The catchment area for the proposed retail unit would be the whole of the city and therefore, in accordance with the adopted Local Development Plan the sequential approach identifies the City Centre as the preferred location for this type of development. Full details of the required approach are provided in Supplementary Guidance: Hierarchy of Centres. It identifies that, for a development of this character which serves a city wide market the hierarchy would be as follows:

1. City Centre;
2. Edge of City Centre;
3. Town and District Centres;
4. Edge of Town and District Centres;
5. Retail Parks; and
6. Out-of Centre Locations.

In order to satisfy the sequential approach for the current proposal it is necessary to consider whether there are reasonably suitable and available alternative sites or premises that are located within categories 1-5 of the above list.

Although it is acknowledged that the site is not ideal for retail use, at present there do not appear to be any sites or premises which could be potentially sequentially preferable to the application site. The submitted Retail Impact Assessment has reviewed all of the proposed and opportunity sites identified in the Local Development Plan within or on the edge of the City Centre, Town Centres, and District Centres and within Retail Parks to assess their potential to accommodate the proposed development. As set out below, no suitable alternative sites have been identified by the applicant at any of these locations.

The assessment stated that there are a large number of retail and retail service units which are either vacant or available on the market that could accommodate new retail operators. The Scottish Property Network identified a number of properties up to a size of 734 square metres, however, this is less than one quarter of the minimum floor area required to accommodate the proposed development.

Town Centres: There are no sites or premises located within, or on the edge of, the defined town centres within Aberdeen. A number of the vacant units on Union Street are not large enough for the use proposed.

District Centres: The retail impact assessment concluded that there are no reasonably suitable and available premises within, or on the edge of any of the defined District Centres in Aberdeen.

There are a small number of vacant retail units located within the retail parks identified in the Local Development Plan (which include Boulevard Retail Park, Berryden Retail Park and Kittybrewster Retail Park). The largest of these units measures 2094 square metres, which does not meet the minimum space requirements for the proposed development.

The Comet store, which was vacated in November 2012, and is located in the adjacent Beach Boulevard Retail Park, which measures approximately 2900 square metres in size, but was not taken into consideration by the applicants in their submitted Retail Impact Assessment, however, based on the minimum requirements identified by the applicants, the site would also be considered too small for the use proposed, with Units 8 and 9 providing 6900 sq m of floor space, more than double the size of any units mentioned above.

Therefore, in accordance with the application of the sequential approach no other retail locations within Aberdeen have been assessed as sequentially preferable to the proposed site on Queens Links.

Whilst it is acknowledged that the site at the Queen's Links is not an ideal setting for retail use, the report has highlighted that there are no sites or premises that can be considered to be reasonably available and suitable to accommodate the proposed development. Therefore the proposal is considered to accord with the sequential approach set out in the Aberdeen Local Development Plan and associated Supplementary Planning Guidance.

Roads Consultation Response:

In their consultation response the Roads Projects Team raised a number of issues, which can be split into the following subjects:

Parking: The car park associated with the development is a private car park, and is in the sole ownership of the sites owners. Parking has caused the greatest concern in respect of this planning application, with two aspects that must be taken into consideration. Firstly an assessment in terms of parking standards must be undertaken, and secondly an assessment in terms of the existing use of the car park within the Leisure Park.

The current consented uses for Units 8 (Nightclub) and 9 (Bingo Hall) is Class 11 (Assembly and Leisure), with the applicants confirming that Unit 8 contained 1122 seats in its most recent use, which was reduced to 425 seats following further investigation. The original figure was calculated on the same basis as the bingo hall, but following further investigation it was confirmed that the lesser number of seats were associated with the nightclub. This equates to 85 parking spaces. In addition, Unit 9 which included 1725 seats for use as a Bingo Hall, in

accordance with parking standards would require 345 parking spaces, resulting in a total requirement of 430 spaces. These figures were calculated in accordance with the Council's parking standards, as detailed in the Supplementary Planning Guidance (Transport and Accessibility).

The proposed use of retail within Units 8 and 9 would attract the need for 315 spaces in accordance with maximum parking standards, 115 spaces less than the existing consents uses.

Although acknowledging that much of the use of the car parking is by customers of uses not immediately associated with the leisure park, consideration has been given to existing demand in the car park and the number of spaces that are available. The current capacity of the car park is 884 spaces; however this will reduce to 876 spaces in order to accommodate the service yard proposed for the retail use. This is more than twice as many than would be required for the current consents, and much more than for the retail consents. The main issue with the car park appears to be its use by non-patrons.

In support of planning application P120909 for a fast food outlet within the car park of the Leisure Park a parking survey was conducted which revealed a peak demand of nearly 700 spaces occurring on two consecutive Sundays in late September and early October 2012 or the wider beach leisure area. As these periods did not represent the peak demand in the calendar year the applicant was requested to carry out new surveys, which were carried out over consecutive weekends to August 2013.

The August 2013 survey showed that the car park was essentially full on one Sunday (18th August). The absolute maximum number of cars parked in the car park has not been provided, and therefore estimates were taken from details submitted in the Transport Assessment Addendum. The estimate calculated that the number of vacant spaces would be in single figures or low tens. The car park was surveyed to contain an estimate of 850-860 vehicles on another two of the survey days at approximately the same point in the day (early afternoon). The fourth survey day reaches a maximum of approximately 750 occupied spaces. Including the parking demand for the retail unit (at maximum non-food standards) the total demand for the site would be in the region of 1175 on three of the survey days and 1065 on the remaining days. Similar patterns would be likely throughout the summer period. With a total supply of 876 spaces following the application, it is clear that there would be insufficient parking to accommodate the demand.

The extent to which the car park is predicted to be over capacity extends beyond the immediate peak period. The surveys show that fewer than 315 spaces (the number required for retail use of these units) remain free in the car park between approximately 1300 and 1730 on all survey days. It should, however, be noted that in the same period the number of spaces required for leisure use of the site would exceed the current capacity of the car park.

The October 2012 survey showed a similar scenario, with 700 spaces occupied at the peak period the additional demand for 315 spaces would increase the total demand to 1015 spaces, in excess of the 876 spaces within the car park.

The profiling of the demand for car parking over the day needs to be considered. The typical period for retail is the weekend early afternoon, coinciding with the

peak use of the car park at present. The peak period for leisure uses, particularly for most recent uses of the buildings would be anticipated to occur later in the day, when surveys show the demand for the car park is lower.

The final consideration in terms of parking is that it is likely that there are a number of users of the car park that are not associated with the Leisure Park, but who would be visiting the beach area. The applicants transport consultant carried out a survey of people in the Leisure Park car park to ascertain the reason for their visit. The survey was carried out with 282 people on two days during the August 2013 surveys. Given that the reasons for people visiting will change over the course of the day, i.e. there will be more people visiting the beach during afternoon, and restaurants during the evening, it is difficult to establish from the information submitted what the true impact of the development would be. Visitors to the Codona's Amusement Arcade also park in the car park legitimately, as there is an entrance from the Leisure Park.

There are existing constraints on the surrounding road network coupled with a high demand for this parking. Given the calculations that have been carried out above, it is likely that the granting of this planning permission would result in additional pressures being placed upon this street parking supply, particularly at peak weekend afternoon period, which may not occur to the same extent for the current use. Therefore the Roads Projects Team have not objected to the application as the total level of parking in accordance with the parking standards will be less for the proposed use than the existing use, however severe concerns have been raised in respect of the parking implications should this application be granted consent.

It is however important to recognise that the applicants have submitted a statement (dated 11th October) which has advised that the car park is a private car park for the benefit of patrons of the occupiers of Queen's Links Leisure Park only. If this use were restricted to such patrons then there would be sufficient car parking for the proposed retail development. Evidence from the surveys suggests that no specific action is currently required to restrict the parking, however, the applicants would be willing to accept the insertion of a condition requiring a review of the parking to be carried out within 12 months of the opening of The Range, and if considered necessary at the review, either a form of parking control is introduced, to the satisfaction of the Planning Authority or additional parking is formed on land earlier identified by the Council, to the south of the existing car park. Although the latter would not be a valid condition since the applicants do not have control over the area of land on which they propose to provide additional parking, the former could be incorporated as a condition to the planning approval.

The developers have reiterated that they are happy to keep the car park open to the general public and would be concerned that any parking regulation imposed would only increase pressure on the surrounding areas and be unpopular within the local community. If the only way that the applicants could address the availability of parking within their site was to impose controls then they would accept that there was no alternative, however, their preference would be to leave the car park restriction free and review if necessary post the Range opening.

Access: an assessment of pedestrian accessibility to the site has been carried out, and having considered the results of this it has been concluded that there will be no requirement to provide external upgrades to pedestrian infrastructure. Similarly, external cycle connectivity has now been fully assessed and no upgrades to the external cycle infrastructure will be required.

The applicant has agreed that the existing bus stop on Links Road will be upgraded to a minimum standard of shelter, seating, lighting, raised kerbs and timetable information. This will be controlled via condition, with implementation prior to the occupation of the units.

Junction analysis has been completed by the applicants transport consultants and these show that there are no capacity issues resulting from the proposed change of use.

The Esplanade: The applicant has agreed to resurface the footway on the Esplanade along the frontage of Units 8 and 9, and provide benches. Materials used in the resurfacing must match those to the north; therefore a condition will be inserted prior to this work being carried out requesting details of the materials to be used. The remaining details can be determined through the Roads Construction Consent.

Travel Plan Framework: a draft travel plan has been progressed, and there remain concerns with this. Nonetheless, the Roads Projects Team are content with the development to progress subject to a conditions requiring the submission of a Travel Plan.

Service Yard: the Roads Projects Team are willing to accept the amendments to the proposed service yard area, which is to be located to the south of the existing units. Due to service vehicles having to pass through the car park and across pedestrian routes they have asked for a condition to be applied to any consent for this application to ensure that servicing only takes place during the hours which Burger King, and the rest of the Leisure Park, is closed to the general public.

Cycle Parking: the applicant has agreed to provide four secure and sheltered cycle parking spaces for the benefit of staff, which should be located as close as possible to the main staff entrance. This will be enforced via planning condition. They Roads Projects Team have also requested a condition that showers, changing rooms and lockers are provided, again for the benefit of staff members either walking or cycling to work.

Conclusion: as a result of the above comments, the Roads Projects Team have raised no objection to the application, subject to a number of conditions as mentioned above, however, they would highlight their concerns in respect of car parking and ask that these be brought to the attention of Committee Members.

Community Council Representation:

The Community Council raised a number of issues, which can be addressed and answered as follows:

Concerns that a prime area of leisure development will be transformed into retail use – advised of more appropriate locations;

The applicants have submitted a Retail Impact Assessment, which has demonstrated that there are no other alternative sites, of an appropriate size within Aberdeen. This has been addressed elsewhere in the evaluation section of this report.

The proposal, if approved, will set an undesirable precedent for future development;

Each future application will be assessed on its own merits. Whilst it is acknowledged and noted that a Leisure Park is not the ideal location for retail use, the merits of this application are considered to outweigh other material planning considerations in this instance. Any future applications for other sites will be considered on their own individual merits.

Concern in relation to the access and the loading/ unloading of articulated vehicles and delivery vans in a car park – the submitted plans show a small yard area, which does not appear to be large enough of the lorries;

An amended plan has been submitted showing an acceptable location for access to the service vehicles. This was arrived at following extensive negotiations with the Council's Roads Projects Team, who have deemed the alterations as acceptable. Conditions will be inserted to the consent controlling the hours of delivery to ensure that the neighbouring fast food restaurant is closed and the car park would be at its quietest.

Clarification on the volume of transport movements anticipated, both at slack and busy periods and clarification on health and safety issues of large lorries navigating a leisure car park;

The applicants submitted an addendum to the original Transport Assessment, which provided details of parking over the busy periods. This has been addressed within this report, and also addressed in the previous point.

Request for clarification on the types of jobs, whether they are permanent and whether jobs created during the alterations/ fit out had been included in the number previously quoted;

The aforementioned concern is not a material planning consideration, whilst the applicant has indicated that approximately 150 jobs would be created no clarification of the types of job has been confirmed.

Request for a statement from the applicant on what measures they current adopt to engage with, and promote development of the communities where they already have stores.

No details of this have been provided, however, this is not a material planning consideration.

The acceptability of the Queens Links for retail development, is this an acceptable place for retail development, and will this negatively impact on the character and appearance of the surrounding area?

This issue has been addressed in great detail elsewhere in this report, which has concluded that whilst not ideal, Queen's Links is the only possible site that could accommodate a development of this size within Aberdeen.

Conclusion

To conclude the report, it is noted that a number of different factors have been taken into account in the determination of this application. The proposal is considered to accord with the general principles of Scottish Planning Policy, the Aberdeen Local Development Plan and its associated Supplementary Planning Guidance. The concerns of the council's Roads Projects Team have also been taken into account and it is considered that their concerns in relation to parking/ cycle provision/ service yard and bus provision can adequately be controlled via planning conditions.

The applicants have also shown, via sequential testing, that there are no suitable vacant sites within Aberdeen. It is therefore considered that the application should be recommended for conditional approval.

RECOMMENDATION

Approve Subject to Conditions

REASONS FOR RECOMMENDATION

The proposal seeks the introduction of a Class 1 Use within the Queen's Links Leisure Park. Whilst retail use is generally discouraged within leisure areas, this area is classed as Urban Green Space, a policy which is not particularly relevant in the consideration of this application.

The proposal is considered to accord with the general principles of Scottish Planning Policy, the economic objectives of the Aberdeen City and Shire Structure Plan, as well as Policies RT1 "Sequential Approach and Retail Impact", RT2 "Out of Centre Proposals", T2 "Managing the Transport Impact of Development" and Policy D1 "Architecture and Placemaking" of the Aberdeen Local Development Plan and its associated Supplementary Planning Guidance in relation to Hierarchy of Centres, Shopfront and Advertisement Design Guide and Transport and Accessibility in that the proposal has been sited in accordance with the sequential approach, the materials proposed in the proposed alterations are considered to be acceptable and subject to condition, the Council's Roads Projects Team have not objected to the application.

It should be noted that the circumstances surrounding this site are unique, with the sites having been vacant for 4 and 10 years respectively with little interest from developers. It has been sufficiently demonstrated through the sequential test that there are no other sites within Aberdeen which could accommodate the proposed use. The largest unit (former Comet store – approx 2900 sq m), which

is located within the Beach Boulevard is half the size of the current proposal. In this instance there are no other material planning considerations which would warrant refusal of planning permission.

CONDITIONS

It is recommended that approval is granted subject to the following conditions:-

(1) That the unit hereby granted planning permission shall be not occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(2) That no development shall take place unless there has been submitted to and approved in writing a detailed Travel Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, a revised mode share, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

(3) That prior to the commencement of development the applicant shall submit details to the Planning Authority for the approval of the upgrading of the bus stop on Links Road. The development shall not be occupied unless the proposed upgrading works have been implemented in accordance with said approved scheme – in order to promote more sustainable modes of transport.

(4) That, except as the Planning Authority may otherwise agree in writing, all deliveries to the approved use shall take place between the hours of 11pm and 6am – to ensure that the proposal does not conflict with the adjacent drive thru fast food restaurant.

(5) This consent relates solely to the use of the land and buildings for Class 1 retail use. The use hereby approved will have a minimum of 50% of the approved overall net floor area (totalling 6900 square metres), which shall be used for bulky comparison goods, in addition the remainder of the use, apart from the ancillary café, shall be for general comparison goods and should not include food sales – in order for the Planning Authority to control the future use of the site.

(6) 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.

(7) That prior to the commencement of development, details shall be submitted to, and approved in writing, by the Planning Authority in relation to the surface

materials to be used for the upgrading of the footpath on the Esplanade – to ensure that the materials proposed respect the character of the surrounding area.

(8) That prior to the commencement of development an updated floor plan shall be submitted to, and approved in writing, by the Planning Authority providing details of lockers and shower facilities for the use of staff within the proposed use – in order to promote more sustainable modes of transport.

Dr Margaret Bochel

Head of Planning and Sustainable Development