

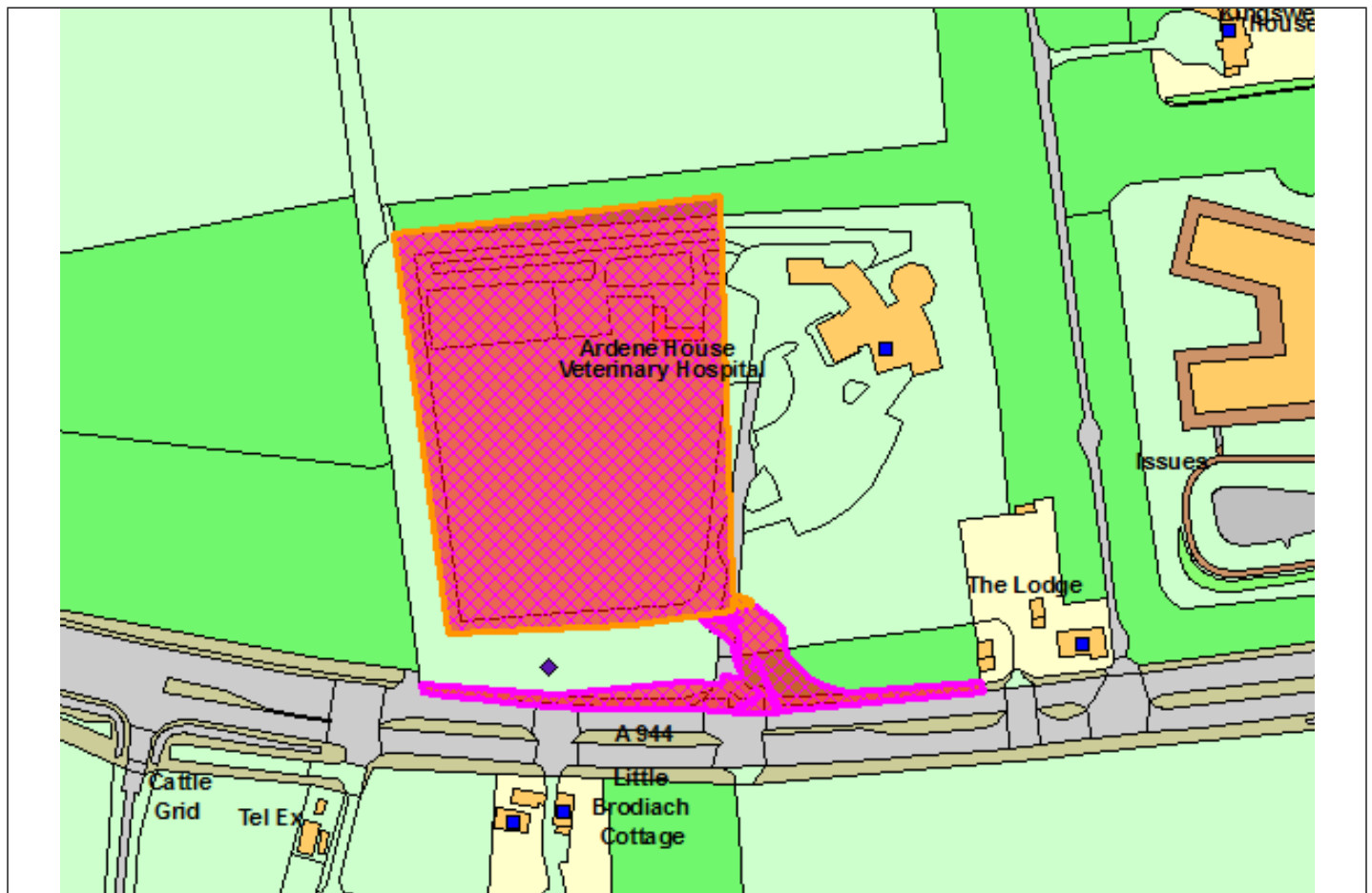


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 20th September 2018

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



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

RECOMMENDATION

Convene a Public Hearing

APPLICATION BACKGROUND

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

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
Total	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

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 10m² for the 764m² of drive-thru restaurant use = 76.4 spaces + adequate queuing space;
 - 1 space per 12m² for the 303m² 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 vehicle 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 1000m² 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

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. All other representations are from individuals, the majority from those live or work in Westhill and Kingswells.

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 Bielside 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

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 Planning Policy and Guidance

- Scottish Planning Policy

Aberdeen Local Development Plan (2017)

- D1: Quality Placemaking by Design
- D2: Landscape
- D4: Historic Environment
- NC4: Sequential Approach and Impact
- NC5: Out of Centre Proposals
- I1: Infra Delivery & Planning Obligation
- T2: Managing the Transport Impact of Dev

- T3: Sustainable and Active Travel
- B2: Specialist Employment Areas
- B4: Aberdeen Airport
- NE1: Green Space Network
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency

Supplementary Guidance and Technical Advice Notes

- Affordable Housing
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Planning Obligations
- Resources for New Development
- Transport and Accessibility
- Trees and Woodlands

Other Material Considerations

- Aberdeen City Centre Masterplan (CCMP)
- Strategic Investment Plan (SIP)

EVALUATION

Under 38A (4) of the Town and Country Planning (Scotland) Act 1997, the planning authority may decide to hold a hearing for any development not covered by the mandatory requirements and to give the applicant and any other person an opportunity of appearing before and being heard by the committee. In June 2010 the Council agreed guidelines on 'When to hold public hearings in relation to planning applications'.

It was agreed that the criteria triggering a report to Committee to seek a decision on whether or not a hearing be held would be –

- where the application has been the subject of more than 20 objections; and
- the Council has a financial interest; and/or,
- the application is a departure from the development plan.

Taking each of these in turn –

This proposal has attracted a total of 227 objections, and therefore exceeds the threshold of the first criteria.

In relation to criteria 2, the Council does not have any financial interest in the land subject of the application, or in the proposed development itself.

Thirdly, the application has been treated as departure from the development plan as: at this early stage it is considered to contravene Policy B2 (Specialist Employment), which states that in areas zoned for such use: *“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.”*

As such, this report is presented to determine whether a public hearing should be held. However, it should be noted that no recommendation is being made at this time in respect of the determination of the application.

In considering whether a hearing should be held, the guidelines indicate that *“whether the development plan policy is up-to-date and relevant to the matters raised, and whether these matters are material planning considerations”* should be taken into account.

The Aberdeen Local Development Plan, adopted in 20 January 2017, and the Aberdeen City and Shire Strategic Development Plan, which came into effect on 28 March 2014, collectively constitute the development plan against which applications for planning permission are considered. At this time the development plan is considered to provide an up-to-date and relevant policy framework for the determination of this planning application.

The representations received raise a wide range of issues. The predominant negative issues raised relate to: the potential traffic implications of the development; the appropriateness of the development to the location; and the potential impact on existing centres with similar uses. Conversely, 251 representations in support of the application have been received, predominately indicating that the development would: enhance the amenities available in the area; increase employment opportunities; and would be acceptable in terms of its scale and visual impact. These are all relevant planning considerations and relate to matters covered by the development plan.

Given the significant level of objection and support, as well as the wide range of matters raised, it is considered that the most appropriate manner of addressing these concerns is to convene a hearing at which all parties will have an opportunity to state their views in front of the Elected Members of the Planning Development Management Committee.

Next Steps

Following the hearing the application would be assessed rigorously in terms of planning policy, the details of the proposal and the environmental, amenity and traffic impacts. This will be reflected in a subsequent report prepared by officers. The report would also take into account all written comments made by the consultation bodies and members of the public and all matters raised at the hearing.

Under the scheme of delegation agreed by Full Council in March 2018, officers have powers in certain circumstances to determine applications without referral to committee.

Due to (i) the number of objections received, (ii) the objection from the Environmental Health service, and (iii) the objection from the community council, if officers considered the application should be approved, a further report would be submitted to the committee for a consideration and a decision. If officers considered the application should be refused, it would be refused under delegated powers without a referral to committee

RECOMMENDATION

Convene a Public Hearing