

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

ABERDEEN, 28 November 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; and Councillors Cooke, Copland, Greig, Mackenzie, Malik and Stuart (as substitute for Councillor Cormie).

Also present as local members: Councillors Delaney and Wheeler.

**The agenda and reports associated with this minute can be found at:-**  
[here.](#)

**Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.**

### **DECLARATIONS OF INTEREST**

1. There were no declarations of interest intimated.

### **ERECTION OF THREE CLASS 3 (FOOD AND DRINK) UNITS INCLUDING TWO DRIVE-THRU FACILITIES AT LAND ADJACENT TO VETERINARY HOSPITAL, KINGSWELLS ABERDEEN - 181336**

2. The Committee conducted a site visit prior to the Hearing. The Committee was addressed by Mr Matthew Easton, Senior Planner, who summarised the proposal for the overall site.

The Convener explained that the Committee would return to the Town House to commence the Hearing.

With reference to article 4 of the meeting of the Planning Development Management Committee of 20 September 2018, the Committee had before it a report by the Chief Officer – Strategic Place Planning, which (1) advised that the Council's adopted guidelines required that where a planning application had been the subject of more than 20 objections and was a development in which the Council has a financial interest, a report to Committee was triggered to seek a decision on whether or not a public hearing should be held; (2) indicated that the Committee resolved to hold a discretionary public hearing in respect of the application for the erection of three class 3 (food and drink) units including two with drive-thru facilities at land adjacent to Veterinary Hospital Kingswells; and (3) provided background information on the proposal for the purposes of the hearing and explained that at this stage no assessment of the merits or failings of the proposal was made in the report.

The Committee heard from the Convener who opened the hearing by welcoming those present and providing information on the running order of the hearing. She explained that the first person to address the hearing would be Mr Matthew Easton and asked that

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

speakers adhere to their allocated time in order for the hearing to run smoothly and in a timely manner.

The Committee then heard from Matthew Easton, Senior Planner, Strategic Place Planning who addressed the Committee in the following terms:-

Mr Easton explained that the application related to a site comprising approximately 1.5 hectares, located to the south of the Prime Four Business Park, to the east of Westhill, west of Kingswells and west of Aberdeen city centre. It comprised a grass field, a timber stable block, paddock and car park which at present forms part of the 'Ardene House Vets Practice', which along with the site were enclosed by mature woodland belts to the north, east and south-west. Beyond the site to the north and east are: Kingswells House which was a B-listed building; and Prime Four Business Park, which comprised large modern office buildings and a hotel.

The site was accessed from the A944 dual carriageway and there was shared foot and cycle way which formed part of Core Path 91 along the same route. On the opposite side of the road to the south were three residential properties.

The AWPR South Kingswells Junction was around 460m to the west and when open will join the A944 at this point.

In regard to the proposal, detailed planning permission was 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 would remain in its current location.

The first unit which is the largest would have 154 covers and 49 parking spaces along with a drive thru. The second unit would also have a drive thru and accommodate 66 covers and 18 parking spaces. The third unit would have 48 covers and 20 parking spaces. Access would be taken from a revised junction onto the A944 and the central reservation would be closed off to prevent right-turn manoeuvres into the site.

In regard to policies, Mr Easton summarised the main policy considerations which would need to be taken into account when assessing the application.

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

Mr Easton indicated that SPP stated that it was important that planning supports the role of town centres (which includes city centres), to thrive and meet the needs of their residents, businesses and visitors for the 21st century. The 'town centre first' principle, stemming from the Scottish Government's Town Centre Action Plan, promoted an

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

approach to wider decision-making that considers the health and vibrancy of town centres.

Mr Easton went on to explain that the section on Promoting Town Centres stated that out-of-centre locations should only be considered for uses which generate significant footfall where:

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

Mr Easton highlighted that planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses were developed in the most appropriate locations.

Mr Easton also explained that planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

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

Mr Easton advised that at a regional level, the Aberdeen City and Shire Strategic Development Plan highlighted the importance of the city centre and that a sequential approach would be taken when identifying sites for new retail development across the strategic development plan area. The proposed Strategic Development Plan (2018), published in August 2018 required that development proposals outwith the City Centre that would undermine its regional role should be strongly resisted. It also stated that the Town Centre First Principle should be applied when considering significant proposals for retail, commercial leisure, offices and for community and cultural facilities.

Mr Easton also explained that there was a target of making sure there was at least 60 hectares of marketable land available to businesses at all times in a range of locations within Aberdeen City. At least 20 hectares of marketable land in the Strategic Growth Areas should be of a standard which would attract high-quality businesses or be suitable for company headquarters. The latest employment land audit indicated that there was

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

223 hectares of marketable land available and in excess of 20 hectares of land available for high quality business use.

In regard to the Aberdeen Local Development Plan (2018) LDP, Mr Easton highlighted that the site was zoned as a Specialist Employment Areas where Policy B2 applied. In such areas, only Class 4 (Business) uses should be permitted in order to maintain a high-quality environment. Notwithstanding, facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the specialist employment area and be aimed primarily at meeting the needs of businesses and employees located there.

In relation to Policy NC5, Mr Easton explained that Out of Centre Proposals indicated that where significant footfall generating development appropriate to designated centres, were proposed on a site that was out-of-centre, they would be refused planning permission if it did not satisfy all of the following requirements.

1. That no other suitable site in a location that was acceptable in terms of sequential site selection was available or likely to become available in a reasonable time;
2. That there would be no adverse effect on the vitality or viability of any centre;
3. That there was a proven deficiency in provision of the kind of development that was proposed;
4. That the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which would link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car; and
5. That the proposed development would have no significant adverse effect on travel patterns and air pollution.

Mr Easton also advised that the woodland around the site was part of the Green Space Network where the Council would protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the network. Proposals for development that were likely to destroy or erode the character and/or function of the Green Space Network would not be permitted.

For Policy T2 on Managing the Transport Impact of Development, Mr Easton intimated that the policy required that new developments need to demonstrate that sufficient measures had been taken to minimise the traffic generated.

For Policy D3 on Sustainable and Active Travel, it stated that new development should be designed to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

For Policy NE8 on Natural Heritage, it stated that development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

In terms of trees, Mr Easton advised that there was a presumption against all activities and development that would result in the loss of, or damage to, trees and woodland. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and appropriate measures should be taken for the protection and long-term management of existing trees and new planting both during and after construction.

For Policy NE9 (Access and Informal Recreation) it required that new development should not compromise the integrity of core paths. Mr Easton explained that in this case any redesign of the junction onto the A944 would need to take into account the core path.

In regard to consultations, Mr Easton advised that Kingswells Community Council raised concerns with access arrangements, traffic and pedestrian safety on the A944 and the suitability of the site for food and drink use. The Community Council also indicated that there were some merits in providing food outlets for those working and visiting the Kingsford Stadium and Prime Four Business Park.

In regard to representations, Mr Easton explained that 488 representations were received. 237 of those objected to the proposal and 251 were in support.

The main matters raised in objections included (a) it was contrary to the land use zoning in the Local Development Plan, (b) the sequential approach to site selection had not been followed, (c) there would be an adverse impact on traffic flows and road network, (d) the site was not readily accessible by sustainable means of transport, (e) the development would result in litter and cooking odours and (f) Kingsford Stadium development should not be seen as a reason to support this application.

The main matters raised by those in support were (a) there would be an increase in the choice of food outlets in the area for residents, workers and road users, (b) it would have a positive impact on the area economically, socially and in terms of jobs, (c) the impact on traffic flows and road network would be minimal and (d) the location and design of buildings was good.

The Committee then heard from Mr Scott Lynch, Senior Engineer, who addressed the Committee in the following terms:-

Mr Lynch explained that discussions with the applicant were ongoing and a transport assessment (TA) was required given the gross floor area of the application site (GFA), which was currently being scoped with the applicant. Mr Lynch also indicated that they were awaiting updated swept path drawings, confirmation of parking, and internal site layout drawings. Mr Lynch advised that at present, there were no major roads concerns in regard to the application.

Mr Lynch advised that there was a previous application for offices on the site which also encapsulated the vets, which expired on 23/12/17.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

In regard to parking requirements, Mr Lynch noted that they were:

- 102 spaces maximum allowable provision;
- 17 long stay cycle spaces;
- 10 motorcycle bays;
- 3 disabled bays or 6% of total, whichever is greater;
- 2 active & 2 passive electric bays.

Mr Lynch explained that the applicant was proposing 87 spaces which would equate to 85% of the maximum allowable allocation. Cycle, motorcycle & disabled parking were shown on the provided plan but were not quantified, which was required. Additionally, Mr Lynch advised that the requirement for electric charging bays had been highlighted to the applicant who had intimated that they would incorporate this in their submission.

Mr Lynch highlighted that there were no bus facilities in the immediate vicinity of the site and the park and ride was 800m away. The site access to pedestrians and cyclists was via a path on the southern boundary of the site, which had links to Kingswells and Westhill. Mr Lynch explained that the applicant had intimated that the revised design for the site access junction would include a shared pedestrian and cycling path on both sides of the access road to tie into the infrastructure on the A944.

Mr Lynch advised that the existing junction was a left and right-in and left-out. Under the proposal the right turn would be banned by extending the central reservation, leaving this as a left-in, left-out. Finally, Mr Lynch highlighted that vehicles wishing to enter from the east or exit to the west would need to carry out turning manoeuvres utilising the carriageway infrastructure. This would require using the A944 Kingswells roundabout to the east and AWPR roundabout to the west.

Members then asked a number of questions of Mr Easton and Mr Lynch and the following information was noted:-

- The site was zoned for Specialist Employment and the proposed development was for Class 4 business use;
- Officers were still to establish where the proposed development sat in regard to the City Centre 1<sup>st</sup> Policy;
- Flooding did not object to the proposed application;
- Roads were awaiting information on the revised openings for the turn off, which should typically be 3 metres; and
- Officers were looking at the possibility of bus stop infrastructure on the A944, once the Transport Assessment was received.

The Committee then heard from the applicant and the speakers consisted of Mrs Maggie Bochel, Aurora Planning, Charlie Ferrari, applicant; Alex Robb, Surveyor and Allan Spence, Transport Engineer. They addressed the Committee in the following terms:-

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

Mr Ferrari advised that the proposal was to construct a development of three Class 3 food and drink units, two of which would have a drive thru facility should it be required by the operator.

The site formed the western half of the Ardene House Veterinary Hospital and to the East and North was Prime Four Business Park. The units would have a capacity for 268 seats where the sale of food and drink for consumption on the premises would be available to the Prime Four Business Park/local residents/people visiting by car by way of the A944 Aberdeen to Westhill main road, and the potential customers from the new football club stadium, once constructed. Mr Ferrari stressed that the development did not rely on any football related trade.

Mr Ferrari explained that for all of the possible uses, they were within easy walking distance of the site and highlighted that they had allowed for a direct road and pavement access to the edge of the site with Prime Four.

Mr Ferrari advised that all units had been designed to meet the standards of the Council's policy on quality place making by design and to fit within the landscape setting, which was well screened by the existing tree belts to the North and East. In this regard there would be a minimal visual impact.

Mr Ferrai explained that in late 2014, they received full planning permission for a 150,000 square foot office development with approximately 540 car parking spaces, however advised that the approval had since lapsed at the end of 2017, however they had retained the exact same entry and exist road geometry as approved by planning previously, however the car parking spaces would be reduced from 540 to 250 to include the Veterinary Hospital traffic. Therefore, Mr Ferrari noted that access and egress to the development would be directly from the A944 with the current cross over being closed off, thus increasing road safety along this stretch of road.

Mr Ferrari explained that the proposal related well with the backdrop of mature trees and the one and half storey Veterinary Hospital.

Mr Ferrari noted that following discussions, the layout of the proposed development as submitted had been altered, and planning officers agreed that this would be a non-material variation to the application. Mr Ferrari advised that this would allow the two-storey unit to sit against the backdrop of the existing tree belt. Importantly, it would also address the concerns raised by Kingswells Community Council relating to any potential stacking of vehicles accessing a drive thru and spilling back onto the A944.

Mr Ferrari concluded by advising that if approved, the development would create a substantial number of jobs opening up the opportunity of employment for young people in the area.

The Committee then heard from Alexander Robb MRICS, Managing Director of AB Robb Limited Chartered Surveyors.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

Mr Robb explained that it was recognised that the site was zoned as part of the specialist employment area - identified in the Aberdeen Local Development Plan as OP29 covering Prime Four, however highlighted that the Aberdeen office market had radically changed since the planning permission was granted in 2014 for office use.

Mr Robb advised that he was instructed on behalf of the developers, Kingswells Development Company Limited to market the project with the benefit of planning permission for 150,00 square foot net internal area (262,000 square foot gross internal area) of offices, together with car parking for 541 cars. Mr Robb noted that due to the downturn in the oil and gas industry in the second half of 2014 the market for offices changed dramatically, with no demand for new build offices. Mr Robb highlighted that this was demonstrated by the most recent statistics which show that, as at quarter 3 2018, there was approximately 2.67million square feet of offices available in Aberdeen with an annual take up of 301,054 square feet.

Mr Robb noted that the information compared with figures when they originally marketed the site in quarter 3 of 2014 when take up was in the region of 678,962 square feet per annum with a supply of around 930,318 square feet.

Mr Robb explained that in this regard, his client had been forced to consider alternative uses for the site which would complement and enhance the existing land uses in the area and would continue to contribute to economic development, as envisaged by the original zoning. They identified that the most likely demand would be from restaurants and drive-thrus, in accordance with the plan lodged.

Mr Robb stated that the approach taken was to look for an alternative productive use of the allocated site which was consistent with the requirement of Scottish Planning Policy (SPP) for planning authorities to be flexible in responding to changing economic circumstances and allow the realisation of new business and employment opportunities.

Mr Robb indicated that a detailed assessment of the application against all relevant development plan policies and other material considerations was set out in the Planning Statement submitted with the application.

Mr Robb highlighted that the site was allocated for development in the Local Development Plan and that, together with the previous office consent, established the principle of development at the site. The site was not in the green belt, nor did it form part of the green space network, as maintained by a large number of objectors.

Mr Robb advised that according to Policy B2 – Specialist Employment Areas, the site's current allocation was a specialist employment area and did not preclude alternative uses if those uses are for facilities, which include food and drink provision, that directly support business uses and enhance the attraction and sustainability of the specialist employment area for investment.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 November 2018

Mr Robb indicated that in this regard the application site was 1.3 hectares within a total allocation of 50 hectares; which comprised less than 3% of the total area. Therefore it should be seen as being ancillary to the employment use of the allocated site with the proposed uses which would provide an enhancement.

Mr Robb also advised that because no specific development was identified within the Development Framework and Phased Masterplans for Prime Four for this site, its development for an alternative use would not jeopardise the delivery of the wider allocation, as required by Policy LR1 – Land Release Policy. It was also highlighted that Policy LR2 – Delivery of Mixed Use Communities, explicitly supports small scale complementary uses within allocated employment sites, provided there was no conflict with the spatial strategy or the achievement of employment provision overall.

Mr Robb indicated that Policy NC4 – Sequential Approach and Impact and Policy NC5 – Out of Centre Proposals were not applicable to this application, since:

- the proposed uses did not fall within the categories of use which “*generate significant footfall*” as identified in Scottish Planning Policy, which included retail, commercial leisure, offices and cultural facilities;
- it was not of a scale which would be significant in any event, being less than half of the 2,500m<sup>2</sup> gross floorspace which was the trigger for the requirement for a retail impact assessment; and
- comprised two drive thrus, it was not a form of development that would be appropriate within a regional, town, district or local centre.

Mr Robb advised that the analysis was presented in full in the Sequential Assessment Statement submitted with the application.

Mr Robb indicated that the proposals had also been designed to ensure that they comply with all other relevant development plan policies relating to, for example, waste management, and there were no concerns raised from Environmental Health officers in terms of potential noise, odour or pollution impacts. Also he advised that the development complied with policies on developer contributions and low and zero-carbon buildings and managing the transport impact of development.

In regard to representations submitted, Mr Robb indicated that the No Kingsford Stadium group launched a campaign which urged people to object to the application on three grounds, those being that the development would:

- Have a negative impact on the green space between the communities of Westhill and Kingswells
- Would set a precedent for development on the A944 corridor
- Would place even more stress on the road infrastructure around Westhill and Kingswells.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

Mr Robb highlighted that more than half of the 488 representations made were in support of the application, and the number of objections would reduce to 203 as they are based on indicating that the site was in the green belt and/or would impact on the green space between Kingswells and Westhill, but this was not the case.

Also Mr Robb spoke about the misconception that the development was associated with Kingsford Stadium and noted that there was no relationship between the two developments and one was not contingent on the other. The proposed development could be successfully implemented in isolation from the stadium.

There was also a belief that the application should be refused because of concerns about it contributing to obesity, in terms of which it should be stressed that the nature of food to be served was not a material planning consideration.

Mr Robb highlighted the various reasons for individuals supporting the application and included

- it provided an additional service for the community, both for people living and working in the area, and for passers-by;
- addressed the acute lack of - and demand for - shops/restaurants/facilities of this type in the area;
- created additional employment opportunities, particularly for young people;
- made a contribution to the local economy;
- was an appropriate location relative to existing development with no residential development negatively affected;
- demonstrated a good quality of design.

The Committee then heard from Allan Spence, WYG Transport Engineer, who explained that the scoping for the Transport Assessment had been agreed with Aberdeen City Council and Transport Scotland, and parking was within the Council's maximum standards, which was 102 allowed and 87 proposed. This would also include electric vehicle charging points and six disabled spaces, along with cycle parking.

Mr Spence also highlighted that a number of neighbouring developments with planning consent had been considered in the Transport Assessment, which included the following:

- Countesswells (3,000 houses)
- Maidencraig (850 houses)
- AWPR

This proposed development would provide a service to these consented schemes, particularly the housing.

Mr Spence indicated that a significant proportion of the car trips attracted to this type of land use, typically 30%, would already be on the network. This was in contrast to land uses such housing or business which induce a high proportion of new car trips into an

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 November 2018

area, typically 100%. The technical assessments showed the development's impact was negligible, less than 3%.

Furthermore, Mr Spence advised that there was no uplift in traffic when compared with the previously consented office development, for which the impact on the road network was deemed acceptable. The site also had connections for walking, cycling and public transport trips, thus providing a choice of travel modes for staff and customers.

In conclusion, the following was noted from the applicant:-

- They held a strong track record of delivering major new developments;
- They were very much committed to ensuring that this was a high-quality development, consistent with Prime Four; and
- The application complied with the Development Plan and other material considerations, and as such the site should be brought into active use.

In doing that they noted that:-

- It would make a positive contribution to the land use mix in the Kingswells area, with the provision of new facilities and the creation of new employment opportunities;
- It would meet a quantitative and qualitative deficiency of this type of facility within the local area;
- It would not have an adverse impact on the vitality and viability of existing centres;
- It would complement neighbouring development at the Prime Four Business Park and Kingswells village;
- It would not have an adverse impact on the availability of employment land in the City nor jeopardise the future development of Prime Four;
- There would be a road and pavement access to the edge of the application site with Prime Four;
- It takes account of changing circumstances in the North East's economy; and
- Supported the achievement of the main aims of the Aberdeen City and Shire Strategic Development Plan in terms of growing the economy (by creating around 200 new jobs) and making efficient use of resources.

The Committee then asked various questions of the applicant/agent.

The Committee then heard from Heather Cook, a local resident, and she addressed the Committee in the following terms:-

Mrs Cook explained that through the media, the message over the last few years had been that Aberdeen City Centre had been in decline and there was a need to rejuvenate the City Centre. Mrs Cook also advised that the Scottish Government had targets to (a) reduce obesity, (b) encourage people to walk/cycle/use public transport as alternatives to cars, (c) put a levy on fizzy drinks and fast foods and (d) encourage children and adults

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

to adopt a healthier lifestyle by walking/cycling to school/work. Mrs Cook then went on to highlight that following these targets, an application is then brought forward 6 miles out of the city centre, where people would have to drive through, or get in their car to pick up the fast food.

Mrs Cook advised that the site was isolated in that there was only one public footpath to Kingswells and Prime Four and questioned who would use these drive-thru facilities. Mrs Cook also explained that many cyclists use the Core cycle path daily on the commute to Aberdeen. She indicated that with the AWPR and the access roads to and from this, many cyclists could be tempted to use the main A944 road as opposed to the designated cycle path. Mrs Cook noted this would be dangerous as the A944 was a very busy road.

Mrs Cook also questioned how traffic would access and exit the proposed site, and noted that cars would be required to go round the Kingswells roundabout or the new AWPR roundabout near to Kingsford site. At peak times traffic along the A944 backs up to the junction with the Brodiach Road. Mrs Cook questioned whether people would drive out of work at lunchtime to collect their lunch, which would add more traffic to the A944.

Mrs Cook concluded by stating that as an individual who was concerned with diet, healthy lifestyle, walking and cycling, she urged Councillors to refuse this application.

There were no questions for Mrs Cook from members.

The Committee then heard from Chris Miller, GVA, who was speaking on behalf of Bon Accord Centre Aberdeen and addressed the Committee in the following terms:-

Mr Miller explained that as a chartered town planner, they work within a plan led system that had been designed to provide clarity and certainty in decision making for both communities and investors alike and to protect the vitality and viability of centres.

Mr Miller highlighted that the site was principally allocated within the adopted Local Development Plan as part of an 'employment opportunity site' and as a 'Specialist Employment Area' whereby uses were restricted to Class 4 business. Mr Miller felt that the proposals were clearly contrary to policy.

Mr Miller also advised that whilst policy provided a degree of flexibility for the provision of supporting facilities, the scale of the application was significantly in excess of what could reasonably be considered to be supporting or complementary to the surrounding businesses. Mr Miller stated that the proposals were of such a scale that they would provide for a restaurant destination in its own right and could be comparable to and in competition with other identified centres, which should mean that the application should be refused.

Mr Miller further explained that the proposals appeared to contradict the established parameters of the Development Framework which had been developed for the delivery

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

of the overall Prime Four site and if approved would compromise the integrity of such planned development.

Mr Miller also questioned the impact that an additional vehicular access link would have in terms of users of Prime Four business park visiting the restaurant development and subsequently utilising access from the A944 and vice versa. Mr Miller noted that this matter had not addressed in the supporting transport statement.

Mr Miller highlighted their concerns which related to the sustainability of the proposals, in particular with regards to site accessibility by any mode of transport other than the private car, therefore putting the application further at odds with sustainability focussed planning policy.

Mr Miller explained that whilst it was accepted that a drive-thru restaurant operation may not always be suited to a town centre location, the development proposals do not physically, visually or otherwise support the needs of employees within the 'Specialist Employment Area' and would constitute a significant new out-of-town destination in its own right.

Mr Miller advised that as well as having a negative impact upon existing centres within the area, approval could result in the longer term erosion to the wider Development Framework and associated masterplans and lead to increased pressure to accommodate additional non-business uses that would be more appropriate within an existing town/city or commercial centre location. Mr Miller noted that on this basis they had strong reasons to suggest that this speculative application should be refused.

Mr Miller concluded by intimating that if there was a desire to increase the range and scale of uses considered appropriate within the business park, then this should be considered at the appropriate time in the preparation of the next Aberdeen City Local Development Plan, and respectfully asked that the speculative development proposal be refused.

There were no questions for Mr Miller from members.

The Committee then heard from Diane Reid, West Aberdeen Environmental Association (Ltd) (WAEPAL), who addressed the Committee in the following terms:-

Mrs Reid explained that WAEPAL was set up to raise awareness of local planning applications, to ensure people in the area were more likely to contribute their views within the planning process that shaped the local communities.

Mrs Reid advised that WAEPAL felt that the application should be refused as it failed to comply with multiple planning policies within the Aberdeen Local Development Plan. Firstly, Mrs Reid highlighted that the site was currently in the adopted LDP for employment and not for eating establishments. Mrs Reid indicated the City Centre first principle and noted that Policy N1 stated that the City Centre was the preferred location

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

for development which generated a significant footfall. Mrs Reid also advised that Policy NC5 stated that all significant footfall generating developments which were not being sited in the City Centre, would be refused unless they met the specific five requirements. Mrs Reid indicated that the applicant discounted other sites which could accommodate a disaggregated development and therefore does not meet requirement one of Policy NC5.

Mrs Reid also indicated that there was no proven deficiency of facilities which related to food and drink in the area, with 20 take away establishments and 19 eateries available for sitting in, in the neighbouring communities. Mrs Reid highlighted that these establishments were easily accessible on foot, negating the need to drive or use unsustainable means.

Mrs Reid stated that the site was on a busy dual carriageway which would be busier due to the imminent opening of the AWPR and its junction at South Kingswells. There were no frequent or convenient public transport stops in close proximity to the development and it was some considerable walking distance from both Westhill and Kingswells.

Mrs Reid indicated that the development would be entirely reliant on the use of private cars, with a significant increase of traffic flow to the area and adding to the already heavily congested area, which did not meet requirements 4 or 5 of Policy NC5.

Mrs Reid explained that the strategic plan made it clear that developments should not be associated with junctions on the AWPR and the route was not to be used as a ribbon development corridor.

Mrs Reid advised that the 2017 Aberdeen City and Aberdeen Cumulative Transport Appraisal highlighted the A944 as a road that would not benefit from the opening of the AWPR unlike other arterial routes. The applicant's transport statement predicted adding 5000 additional car trips on any given weekend day and 1700 on a weekday. Mrs Reid outlined that the A944 was already at capacity and felt that this was unacceptable.

Mrs Reid also highlighted that the applicant made reference to the Kingsford Stadium application four times, however indicated that approval of the stadium should not be a green light for further development in the area.

In conclusion, Mrs Reid noted that 92% of objections came from those in the communities of Kingswells and Westhill, with 22% in support coming from local people. Mrs Reid asked the Committee to listen to local people who would be mostly affected by this development and asked that the application be refused.

In regard to questions for Mrs Reid, Councillor Cooke sought confirmation of the number of local eateries in the area.

The Committee then heard from Karen Bayliss, a resident in Counteswells and she addressed the Committee in the following terms:-

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

Mrs Bayliss explained that she was in support of the application and noted that the Kingswells Park and Ride was very close to the proposed development. Mr Bayliss noted that from Counteswells the proposed development was walkable. She indicated that for all the new houses in Counteswells, there were few amenities for local people to use and this would be a welcomed development. Mrs Bayliss indicated that the potential for 200 jobs was great to hear and would have walking and cycling access to the park and ride facility. She also highlighted that plenty other places in the city do not have a public transport link and did not see the issue for this site as it was walkable from Counteswells. Mrs Bayliss also explained that it was ideally suited for people with learning difficulties and was impressed to see electronic car points within the development.

In conclusion, Mrs Bayliss advised that the development would be a welcomed improvement to the Kingswells and Counteswells residents and urged Councillors to approve the application.

There were no questions for Mrs Bayliss.

The Committee then heard from Diane Priestly, local resident, who addressed the Committee in the following terms:-

Mrs Priestly explained that in her opinion it was inevitable once the football stadium at Kingsford had planning permission that it would be seen as the green light by developers for further development along both sides of the A944 between Kingswells and Westhill. Mrs Priestly felt that the A944 would become a development corridor.

Mrs Priestly advised that there were no additional statements from the applicant to explain why this provision was needed on the A944, however noted that it did state that the purpose of the drive thru was to serve the Prime Four business park, Kingswells residents and people working or visiting the new Kingsford stadium. However, Mrs Priestly advised that these facilities were available as Prime Four had a hotel with a café and Westhill and Kingswells had a variety of fast food outlets, and the stadium would have a planned fan zone where food and drink would be available.

Mrs Priestly also explained that the drive thru would be accessed from the A944 which was already a busy commuter road and there was a high volume of traffic travelling in and out of Aberdeen, not just at rush hour but throughout the day and additional traffic along the route would undoubtedly increase. Mrs Priestly intimated that without a Transport Assessment it would be impossible to determine how this would affect the traffic flow along the dual carriageway.

Mrs Priestly advised that the Westhill Public Transport and Access Strategy Briefing Paper 2017 recognised that Westhill was dependent on the A944 link for both cars and buses and that there was significant queuing of traffic at peak times at the Kingswells roundabout, Prime Four and the Westhill roundabout. The report also stated that further development along the A944 could affect Westhill, its viability and vitality as a town.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

Mrs Priestly also indicated that the only way into the proposed drive thru was a left turn off the A944 so that the traffic coming from Aberdeen would have to travel to the Kingswells roundabout, drive along the A944 to the AWPR roundabout and drive back along the A944.

Mrs Priestly concluded that the proposed development should be refused as (a) there was already a number of fast food outlets and restaurants in the area, (b) the concept behind the application was to capture the passing trade from the users of the A944, the AWPR and the football traffic and this would increase the traffic flow on the A944, (d) it was not easily accessible by car, (e) it had no acceleration lane onto the A944, therefore presented a danger to fast moving traffic, (f) it was unclear the effects that the traffic flow from the AWPR would have along the A944, (g) there was an increased danger to joggers and cyclists who use the core path at the side of the dual carriageway and (h) development along the A944 would increase the likelihood of coalescence between Westhill and Kingswells by the erosion of green space.

There were no questions from members for Mrs Priestly.

The Committee then heard from Ian Cox, Kingswells Community Council, who addressed the Committee in the following terms:-

Mr Cox advised that the Community Council's main concerns were (a) this was a detailed planning application, however there was no control over what the development would be, (b) the final configuration of the development cannot be determined until the tenants are identified, (c) the development was isolated from one of its main customers, Prime Four, (d) connection with Prime Four was not in the control of the developer, (e) the development would encourage people to walk along the A944 and (f) the stacking of drive-thru traffic was an issue.

Mr Cox explained that they had been in discussions with the developer in regard to an improved layout, however were disappointed to see that they decided to take no action with their suggested layout. Mr Cox also advised that whilst working with the agent for Prime Four, they were given assurances that development would be to a higher standard than normal and no fast food facilities.

Mr Cox advised that the developer claimed to be looking for high class tenants for the three units and cannot finalise any agreements or initiate any detailed discussions with potential tenants until planning permission is approved, which caused grave concern to the Community Council. He intimated that there was no control over who the tenants may be, and the layout would be dependent on the tenants who may be interested.

Mr Cox explained that the proposed development was based on existing designs used by three fast food providers and stated that if the successful tenants were different from those assumed, then significant change would be required to the planning application.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

28 November 2018

Mr Cox also highlighted the lack of connectivity with Prime Four and noted that the developer claimed that people would access the fast food facility from Prime Four by foot. However, Mr Cox noted that there was no footpath linking the two sites and due to time constraints upon employees at lunchtime, it was considered that most customers from Prime Four would drive to the facilities. Mr Cox highlighted that access to Prime Four was not in the control of the developer.

Mr Cox advised that the Community Council felt that detailed planning permission for this site was premature and the development should be at the same time as the adjacent Prime Four development so that the whole development could be well considered as a unit, and would utilise a new access with the A944, and would provide connectivity with the main Prime Four development.

In regard to the existing junction, Mr Cox explained that if the development of this site were to be delayed, then it was the understanding of the Community Council that the Council would have concerns in regard to the safety of the existing junction with the A944. Most of these concerns could be resolved by closing the central reservation and having a left in left out access to the Vets.

Mr Cox went on to advise that the development would attract additional pedestrian traffic along the A944 and under normal circumstances this would be a desirable feature but not in this location.

Mr Cox also explained that the proposed road layout was the same as the previous approved planning application. He stated that in the previous application, the office block employees would have a parking space and any queuing would occur within the carpark. However, with this development, it would mean customers were trying to access the carparks and queuing for the drive thru at the same time would result in queues on the A944.

In conclusion, Mr Cox advised that the proposed development was common around the area but was not considered appropriate for the site. Alternative sites could be available within the nearby Westhill Industrial Park and for a detailed planning application there was too much uncertainty. Mr Cox asked that members refuse the application when it is determined.

There were no questions from members for Mr Cox.

The Convener thanked all those who attended the hearing, specifically those who had presented their case, submitted representations and provided information. She advised that the Chief Officer – Strategic Place Planning would prepare a report for submission to the Planning Development Management Committee for subsequent consideration and determination.

- **COUNCILLOR MARIE BOULTON, Convener.**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**  
11 October 2018