

Public Document Pack



To: Councillor Milne, Convener; Councillor Finlayson; Vice Convener; and Councillors Boulton, Cooney, Corall, Crockett, Donnelly, Greig, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart and Sandy Stuart .

Town House,
ABERDEEN 1 February 2017

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 9 FEBRUARY 2017 at 10.00 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION, INCLUDING THOSE NOT IN THE REPORT PACK, ARE AVAILABLE TO VIEW IN THE MEMBERS' LIBRARY

MINUTES OF PREVIOUS MEETINGS

- 1.1 Minute of Meeting of the Planning Development Management Committee of 12 January 2017 - for approval (Pages 5 - 10)
- 1.2 Minute of Pre-Determination hearing of 18 January 2017

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

2.1 Rowett Research Institute Site - New Aberdeen Exhibition and Conference Centre (PPiP) (Pages 11 - 74)

Planning Reference – 150826

The documents associated with this application can be found at:-
<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Please enter the relevant planning reference number in the search field and click 'Search'.

Planning Officer – Matthew Easton

2.2 Erection of student accommodation (374 bed spaces) with associated infrastructure and landscaping at 92-126 John Street (Pages 75 - 98)

Planning Reference – 161427

The documents associated with this application can be found at:-
<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Please enter the relevant planning reference number in the search field and click 'Search'.

Planning Officer – Andrew Miller

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

3.1 Erection of 4 Residential Flats and Associated Car Parking at 19 South Avenue (Pages 99 - 152)

Planning Reference – 161721

The documents associated with this application can be found at:-
<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Please enter the relevant planning reference number in the search field and click 'Search'.

Planning Officer – Dineke Brasier

Website Address: www.aberdeencity.gov.uk

To access the Information Bulletins for this Committee please use the following link:
<http://committees.aberdeencity.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13336&path=13004>

Should you require any further information about this agenda, please contact Mark Masson on 01224 522989 or email mmasson@aberdeencity.gov.uk or Lynsey McBain on 01224 522123 or email lymcbain@aberdeencity.gov.uk

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 12 January 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Corall, Cormie, Crockett, Donnelly, Greig, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart and Sandy Stuart .

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=4361&Ver=4>

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.

ANNOUNCEMENT

1. The Convener welcomed Mr Eric Owens, Interim Head of Planning and Sustainable Development to his first meeting of the Planning Development Management Committee.

The Committee resolved:-

to note the announcement from the Convener.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 8 DECEMBER 2016

2. The Committee had before it the minute of its previous meeting of 8 December 2016 for approval.

In relation to item 8, (Demolition of side and rear walls to facilitate redevelopment of former public toilets, High Street, Old Aberdeen), it was noted that wording had been omitted from the resolution.

The Committee resolved:-

(i) to request that additional wording be added to item 8 resolution, to read “to agree that following the refusal of corresponding planning application P160727 as above, there were no approved proposals for the redevelopment of the site following the proposed substantial demolition of the building. As such, in the absence of any approved redevelopment scheme, the application be refused on the basis that the proposals to demolish the side and rear walls would leave a gap site which would have a detrimental impact on the character and appearance of the conservation area. The proposals were therefore contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement and Policy D5 (Built Heritage) of the Adopted Aberdeen Local

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2017

- Development Plan, as well as corresponding Policy D4 (Historic Environment) of the forthcoming Proposed Aberdeen Local Development Plan"; and
- (ii) to otherwise approve the minute as a correct record.

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PUBLIC HEARING OF 30 NOVEMBER 2016

3. The Committee had before it the minute of the meeting of the Planning Development Management Committee Public Hearing of 30 November 2016 for approval.

The Committee resolved:-

- (i) to request that in relation to item 1, paragraph 2, that it be amended to Vice Convener and not Convener; and
- (ii) to otherwise approve the minute as a correct record.

DECLARATION OF INTEREST

Councillor Nicoll declared a personal interest in the following article by virtue of knowing the applicant. Councillor Nicoll withdrew from the meeting prior to consideration of the application and took no part in the deliberation.

1 DESSWOOD PLACE – CHANGE OF USE OF PAVEMENT TO OUTDOOR SEATING AREA FOR CAFÉ - 161455

4. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That the application for a change of use of pavement area to seating area at 1 Desswood Place Aberdeen, be approved, subject to the following conditions.

CONDITIONS

- (1) That the area of the pavement to be used for outdoor seating shall be restricted to that as shown on approved drawing 16/11/01A and shall only allow the placement of tables, seats and form of enclosure and for no other street furniture (i.e. heaters and umbrellas/awnings).

Reason – In order to protect the visual character and amenity of the area and to maintain pedestrian safety.

- (2) That the outdoor seating area hereby approved shall only be used between the hours of 8am and 8pm on any given day and that any tables, chairs and other

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2017

street furniture for the purpose of, or associated with, facilitating outdoor seating shall be removed from the pavement outwith the hours of operation for the outdoor seating area.

Reason – In order to protect the amenity of the neighbouring residential properties and the character and appearance of the conservation area.

(3) That no amplified music shall be played in the outdoor seating area at any time.

Reason – In order to protect the amenity of the neighbouring residential properties.

ADVISORY NOTES

A minimum 1.5m footway clearance must be maintained around the seating area at all times. The Council's Street Occupations Team have the power to remove any items placed on the pavement which would obstruct pedestrian movement.

In addition to planning permission, the applicant will also require a Pavement Café permit, which can be obtained from the Council's Street Occupations Team. In this regard, the applicant should contact Kevin Abercrombie on 01224 523 886.

It is likely that any advertisement of the premises incorporated onto fabric or other enclosures used to demarcate the seating area will require advertisement consent. Prior to the installation of any such advertisements, the applicant should check with the Council as planning authority to ascertain whether consent is required. If so, the applicant will need to first obtain advertisement consent before displaying the advertisements.

The Committee heard from Mr Daniel Lewis, Development Management Manager, who spoke in furtherance of the report and answered a number of questions from members. Mr Lewis explained that condition three would be amended to read "that no music shall be played in the outdoor seating area at any time.

The Convener, seconded by Councillor Cooney moved:-
that the application be approved in accordance with the recommendation set out in the report.

Councillor Jennifer Stewart, seconded by Councillor Greig, moved as an amendment:-
That the application be refused due to the adverse impact the application would have on the local residents and the effect on the Conservation area, as well as concerns that large signage would impact on the footpath and concerns regarding overflowing refuse bins.

On a division, there voted:- for the motion (15) – the Convener, the Vice Convener and Councillors Boulton, Cooney, Corall, Cormie, Crockett, Donnelly, Hutchison, Jaffrey,

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2017

Lawrence, Malik, Jean Morrison, Nicoll and Sandy Stuart; for the amendment (2) -
Councillors Greig and Jennifer Stewart.

The Committee resolved:-

- (i) to agree that condition 3 be amended to read “that no music shall be played in the outdoor seating area at any time”; and
- (ii) to otherwise adopt the motion and therefore approve the application conditionally.

DEMOLITION OF THE EXISTING VICTORIA ROAD PRIMARY SCHOOL TORRY AND ERECTION OF 56 RESIDENTIAL UNITS WITH OPEN SPACE AND ASSOCIATED WORKS – 161051

5. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That the application for the demolition of the existing Victoria Road Primary School and erection of 56 units along with open space, parking and associated infrastructure at Victoria Road school, be refused.

The Committee heard from Mr Andrew Miller, Senior Planner, who spoke in furtherance of the report and provided details on the application, specifically the planning policies that were relevant to the application. Mr Miller advised that the proposals failed to comply with policy D1 – Architecture and Placemaking and also Policy D2. The proposals were also contrary to the requirements of Policy D4 – Aberdeen’s Granite Heritage. Mr Miller answered various questions from members.

The Committee also heard from Mr Gregor Whyte, Senior Engineer, who provided details on the roads and transport aspect of the application and answered various questions from members.

The Committee resolved:-

- (i) to request that Legal officers investigate whether any crushing of the granite material would represent a loss which would breach current EU Directives relating to the recycling of materials, and to report back on any information found in due course; and
- (ii) to otherwise approve the recommendation contained within the report and therefore refuse the application.

DECLARATION OF INTEREST

Councillor Crockett declared an interest in the following subject matter, by virtue of his membership on the NHS Grampian Board. Councillor Crockett withdrew from the meeting prior to consideration of the application and took no part in the deliberation.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2017

MAY BAIRD AVENUE/SHAW ROAD – VARYING AGREEMENT TO REMOVE OBLIGATION RELATING TO PRIMARY EDUCATION CONTRIBUTIONS - 160670

6. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That the application for the discharge of clause 3.1 (Primary education) of Section 75 Legal agreement relating to P140810 and P141696 at Land at May Baird Avenue, be refused.

The Committee heard from Mr Gavin Evans, Senior Planner, who spoke in furtherance of the report.

The Committee resolved:-

to approve the recommendation contained within the report and therefore refuse the application.

CONFIRMATION OF TREE PRESERVATION ORDER NUMBERS 235 AND 236

7. The Committee had before it a report by the Interim Director of Communities, Housing and Infrastructure, which provided information on Tree Preservation Orders.

The report confirmed provisional Tree Preservation Orders (TPOs) made by the Interim Head of Planning and Sustainable Development under delegated powers and the provisional order currently provided temporary protection for the trees, but would require to be confirmed by this Committee to provide long term protection.

Members asked various questions in regards to the trees.

The report recommended:-

that the Committee –

- (a) confirms the making of Tree Preservation Order 235/2016 and 236/2016; and
- (b) instructs the Head of Legal and Democratic Services to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and attend to register the Order with Registers of Scotland.

The Committee resolved:-

to approve the recommendations contained within the report.

ABERDEEN DEVELOPMENT ACTIVITY REPORT 2016

8. The Committee had before it a report by the Interim Director of Communities, Housing and Infrastructure, which presented the first Aberdeen Development Activity Report.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

12 January 2017

The report provided up to date information on the city's larger office and hotel developments, and retail and leisure developments that had taken place over the past year. It contributed to the monitoring of the Local Development Plan and would help to inform future policy and Supplementary Guidance documents.

The Committee heard from Mr David Dunne, Senior Planner, who spoke in furtherance of the report. Mr Dunne answered various questions from members.

The report recommended:-

that the Committee -

- (a) approve the electronic publication of the Aberdeen Development Activity Report 2016; and
- (b) agree that subsequent annual publications of the Aberdeen Development Activity report be presented as Information Bulletins.

The Committee resolved:-

- (i) to request that officers provide details in regards to occupancy of larger office buildings to Members and also to investigate whether the Bay of Nigg development was included within the report and report back in due course; and
 - (ii) to otherwise approve the recommendations as contained within the report.
- **Councillor Ramsay Milne, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
27 October 2016

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Planning Development Management Committee Planning Permission in Principle

150826: Planning Permission in Principle for Demolition of existing building(s), erection of exhibition and conference centre including subterranean space, energy centre, hotels, offices, leisure, cafe/restaurants and associated access, landscaping, engineering works (including burn diversion) and car parking (including temporary car parking) at Rowett Research Institute, Greenburn Road, Bucksburn

For: Henry Boot Developments Ltd

Application Date:	22 May 2015
Officer:	Matthew Easton
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Comments
Advertisement:	Dev. Plan Departure
Advertisement Date:	03/06/2015
Committee Date	09/02/2017

RECOMMENDATION: Willingness to Approve subject to conditions and the registering of a section 75 legal agreement to secure financial contributions towards (i) local road network improvements and (ii) and strategic transport network improvements

REASON FOR REPORT

At its meeting on the 10th December 2015 the Planning Development Management Committee (PDMC) agreed a willingness to approve and issue this consent, subject to conclusion of a legal agreement to secure developer contributions. This included financial contributions towards the then Strategic Transport Fund (STF).

Subsequently a legal challenge was lodged at the Court of Session (Inner House) by the Elsick Development Company Ltd and Goodgrun Ltd, against the adoption by the Aberdeen City and Shire Strategic Development Planning Authority (SDPA) of STF Supplementary Guidance. The Inner House issued its decision on 29 April 2016 which allowed that appeal and thus quashed the STF supplementary guidance. The SDPA has been given leave to appeal to the Supreme Court and awaits the outcome of this process.

In light of this new material consideration emerging since the committee considered the application, that there is no locus to seek an STF payment, there is now a requirement to refer the application back to committee in order that the matter of the development's impact upon the strategic transport network can be considered and if necessary addressed.

At the same time as the previous decision of the PDMC in December 2015, an associated detailed planning permission (P151390) was approved and consent issued. This approval covers erection of the AECC and subterranean and public space, energy centre, hotel, associated access, landscaping and engineering works. At the time of writing demolition works at the site are substantively complete and extensive earthworks are underway.

This planning permission in principle, in addition to the aforementioned development, allows for an additional 61,515sqm of office space, 6000sqm of leisure space and two further hotels with a total of 300 bedrooms.

The number of vehicle trips associated with the former Rowett Institute use was compared against those expected for phase one of the new development (AECC, two hotels, energy centre and AD plant). The conclusion was that the existing use generates slightly more traffic than the proposed early stages of development and would result in no-net-detriment to the surrounding road network. Therefore financial contributions towards the then STF or the Dyce Drive Corridor Mitigation Scheme were not required for the detailed planning application. Additionally the impacts associated to one of the additional two hotels can also be accommodated without net detriment to the baseline strategic transport position and this is accounted for as part of 'Phase 1' commitments within the transport assessment.

Therefore contributions for strategic and local transport interventions, required through this PPiP, only cover the 'Phase 2' development (third hotel, office and leisure space). Thus the contributions are not connected to development currently being undertaken on the site, but rather cover the uplift in traffic generated by 'Phase 2' development beyond the Rowett Institute baseline.

Although the committee are required to re-consider the PPiP application in its entirety, because the only material consideration to have changed is that in relation to the STF, this report looks at the issue of 'Phase 2' strategic transport impacts only. However a copy of the original report, which considered the proposals in the round, is appended.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at <https://publicaccess.aberdeencity.gov.uk/>

- Since committee last considered the application a Traffic Analysis Report has been submitted. This looks at the issue of the development's impact upon the strategic transport network.

All other documents are listed in the previous report.

CONSULTATIONS

- **ACC – Roads Development Management Team** – Satisfied with the content of the Traffic Analysis Report, which identifies contributions (£353,500) be made for mitigating improvements along the A96 corridor.

All other consultee responses are as listed in the previous report appended.

EVALUATION

In the absence of the STF Supplementary Guidance it was agreed by the SDPA and both Aberdeen City and Aberdeenshire Councils that developers may agree with the Council an alternative “strategic transport infrastructure contribution”, for transport interventions directly related to the transport impact of the development, the mechanism of which shall be on a case by case basis.

In this instance the developer has carried out a traffic analysis of the predicted impact of the development upon the A96 trunk road. The scope of the analysis was agreed with ACC roads officers prior to it being undertaken.

The finalised analysis was submitted to ACC for review and its methodology and conclusions found to be acceptable. Taking the number of vehicle trips associated with the development levels beyond that approved and under development in association with the detailed planning permission/ ‘Phase 1’ development, the impacts thereof and the mitigations required to address them, it has been agreed that a contribution of £353,500 shall be paid towards strategic transport improvements on the A96 corridor. These would entail road or rail improvements (including the proposed new station at Kintore) which have the potential to take vehicle trips off the A96. These contributions are in addition to contributions which the applicant is required to pay towards local road network infrastructure improvements in the Dyce area, which would also be secured through this PPIIP.

Prior to the suspension of the STF guidance, the expected contributions for this application were estimated to be £1,330,660, therefore resulting in a significant variance.

A draft legal agreement has been prepared with the only outstanding matter being that of strategic transport contributions. Should the recommendation be agreed the draft agreement will be updated to secure the financial contribution

set out above before being signed, allowing the planning permission to be released.

REASONS FOR RECOMMENDATION

Appropriate financial contributions would be secured by legal agreement to mitigate against the impact of the development on the strategic transport network.

CONDITIONS

All conditions proposed are the same as those listed in the previous report.

RECOMMENDATION: Willingness to Approve subject to conditions and the registering of a section 75 legal agreement to secure financial contributions towards (i) local road network improvements and (ii) and strategic transport network improvements

Appendix 1 – Report to Planning Development Management Committee Meeting on 10th December 2015

Planning Development Management Committee

ROWETT RESEARCH INSTITUTE,
GREENBURN ROAD, BUCKSBURN

DEMOLITION OF EXISTING BUILDINGS,
ERECTION OF EXHIBITION AND
CONFERENCE CENTRE INCLUDING
SUBTERRANEAN SPACE, ENERGY CENTRE,
HOTELS, OFFICES, LEISURE,
CAFE/RESTAURANTS AND ASSOCIATED
ACCESS, LANDSCAPING, ENGINEERING
WORKS (INCLUDING BURN DIVERSION) AND
CAR PARKING (INCLUDING TEMPORARY CAR
PARKING)

For: Henry Boot Developments Ltd

Application Type: Planning Permission in
Principle
Application Ref. : P150826
Application Date: 22/05/2015
Officer: Matthew Easton
Ward : Dyce/Bucksburn/Danestone(B Crockett/G
Lawrence/N MacGregor/G Samarai)

Advert: Dev. Plan Departure
Advertised on: 03/06/2015
Committee Date: 10/12/2015
Community Council : Comments

RECOMMENDATION: Willingness to Approve subject to conditions and the registering of a section 75 legal agreement to secure financial contributions towards (i) local road network improvements and (ii) the Strategic Transport Fund.

DESCRIPTION

The site is some 60 hectares and located in north west Aberdeen, between the airport and A96. It contains the Rowett Institute of Nutrition and Health, part of the University of Aberdeen and comprises a complex of various buildings set within an agricultural landscape. Also present are a several residential properties and infrastructure associated with nearby Aberdeen International Airport. The landform is undulating and generally slopes from north to south, towards the A96.

The buildings range from three storey traditional granite and sandstone c. 1920s buildings, to modular exposed concrete framed 1960s extensions and single storey agricultural buildings. Several are noteworthy –

- Strathcona House (1929), designed by Arthur G Ingham. Of three stories, and unusually for Aberdeen, constructed from red sandstone with pitched slated roof. The design and plan form having strong references to the collegiate style and Scots baronial details, particularly evidenced in the large ground floor hall

and balustraded veranda that dominates the principal elevation. The early 20th century interior decorative scheme largely survives and includes good-quality oak panelling to the principal public rooms, stone fireplaces and stained glass.

- The Boyd Orr building (1922) is semi-detached and three storeys, with granite walls and a pitched asbestos roof. It was used as offices and laboratories.
- The Reid Library (1938) is semi-detached and two storeys in height, being constructed from granite with a pitched slated roof.
- Wardenhill House (1925) is a detached two storey house also constructed from granite with a slated roof.

None of the buildings on the site are listed or within a conservation area.

The undeveloped parts of the site comprise a mix of improved grassland, semi-improved grassland, bare ground and small areas of woodland. The Green Burn runs from west to east through the site towards the River Don.

Core Path No. 4 crosses the site and follows the route of Greenburn Road, which also acts as the boundary between the community council areas of Bucksburn & Newhills and Dyce & Stoneywood.

To the north is Wellheads Drive beyond which is the airport and Bucksburn Cricket Club. The approach lights for a runway are located at the north east. To the immediate north east, east and south east are the residential communities of Bankhead and Stoneywood, with the closest streets being Waterton Road and Brimmond View. The south eastern boundary is the A96 with agricultural land beyond, but identified for 1700 homes and known as Rowett South. Existing residential properties exist at Forritt Brae. The western boundary comprises Dyce Drive, beyond which is agricultural land identified as suitable for employment use. There are a number of residential properties in the north west, located around Greenburn Farm. The agricultural land in this area has been granted planning permission for phase two of the ABZ Business Park.

RELEVANT HISTORY

- A proposal of application notice (P140606) associated to the development now proposed was submitted in April 2014. Subsequent public consultation was undertaken between April 2014 and April 2015 and is outlined in the 'Pre-Application Consultation' of this report.
- Historic Scotland (now Historic Environment Scotland or HES) received a request to list Strathcona House in April 2015. The building was visited in May 2015 when the interior and exterior were inspected. HES's conclusion was that the building was considered to be of local importance and may meet the criteria for listing at category 'C'. However due to the current proposals which would affect the character of the building, it was not considered further for

listing. Should the planning situation change, HES may reconsider their position.

PROPOSAL

Planning permission in principle is sought for the demolition of all buildings on the site and the construction of an exhibition and conference centre, with supporting uses. The development would comprise –

- A new exhibition and conference centre (45,000sqm gross) with further subterranean space (33,600sqm) including: a concourse, retail, leisure, restaurant and public houses uses.
- A 200 bed hotel (14,600sqm) which would be integral to the exhibition and conference centre.
- Two further hotels with an estimated combined capacity of 300 beds.
- Office space with an estimated net floor space of 60,000sqm
- Leisure uses with an estimated net floor space 6,000sqm
- An energy centre incorporating an anaerobic digestion (AD) facility and associated plant and equipment.
- Access for both pedestrians and vehicles, including public transport. Car and coach parking, including temporary car park.
- Open space, landscaping and public realm works, including creation of a burn park and piazza. Groundworks, improvement and diversion of watercourses to a new alignment.

The project is part of the Council's wider Strategic Infrastructure Plan (SIP) programme to relocate the new Aberdeen Exhibition and Conference Centre (AECC) from Bridge of Don. In addition to the other uses planned for the Rowett North site, the new AECC is expected to –

- provide four times the current exhibition space;
- increase the seated entertainment arena from 4,750 to 12,500;
- secure an additional 31,000 business tourists to Scotland; and
- lead to an additional £11m of visitor spend per annum.

Developed in two phases, Phase one comprising: the AECC, two hotels and energy centre which would become operational in late 2018. This phase would also include the access arrangements and strategic landscaping. Phase two,

would include the office and leisure components, and is expected to be 50 percent complete by 2023 and finished by 2028; subject to market demand.

Supporting Documents

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?ref=150826>.

- Drainage Impact Assessment
- Flood Risk Assessment
- Pre-Application Consultation Report
- Sustainability Statement
- Transport Assessment
- Tree Survey

Environmental Statement (ES)

The Environmental Impact Assessment (Scotland) Regulations 2011 see an environmental statement (ES) submitted with the planning application.

The ES reports on the findings of an environmental impact assessment (EIA) of the proposed development. EIA is the process of compiling, evaluating and presenting all of the significant environmental impacts of the proposed development, leading to the identification and incorporation of appropriate mitigation measures.

PRE-APPLICATION CONSULTATION

Pre-application consultation between the applicant and the community, as required for 'major' applications ran for a full year ending on 10th April 2015. There were three phases of consultation –

- The first consultation exhibitions were held in May 2014 at the Jesmond Centre in Bridge of Don, the Beacon Centre in Bucksburn and Aberdeen Art Gallery. A postcard invitation was issued to 20,000 residents and the exhibitions widely publicised. Representatives from the project team were in attendance to provide information and discuss the emerging ideas. Attendees were asked to complete a questionnaire seeking their views. Following the exhibitions two unmanned exhibitions took place at Marischal College reception and the AECC main concourse in June 2014. Over 1,000 people attended the various events.
- A second round of consultation was undertaken in September 2014 and utilised the same venues and methods. Approximately 600 people attended the exhibitions over the 3 day run. A further unmanned exhibition was held in Marischal College.

- The third and final public consultation events were in March 2015, in the upper mall of the Bon Accord Centre, a busy city centre location. A further unmanned exhibition was also held in Marischal College during early April. A total of 327 written responses were submitted in response to this third round. The total written number of responses received over the course of the year was 500 with just over 4,000 participants.

REASON FOR REFERRAL TO COMMITTEE

The application falls outwith the scope of the Council's Scheme of Delegation and has been referred to the Planning Development Management Committee for three reasons –

- The proposed development has previously been subject to a formal decision by the planning authority that an environmental impact assessment (EIA) should be undertaken.
- More than 20 letters of representation objecting to the application have been received.
- Objections have been received from Bucksburn and Newhills Community Council and Dyce and Stoneywood Community Council.

CONSULTATIONS

ACC – Communities Housing and Infrastructure (Roads Development Management Team) –

Public Transport Accessibility – There are two bus stops in front of the site on A96 for eastbound journeys, one bus stop at the opposite side of the A96 for westbound journeys and one bus stop on the opposite side of Dyce Drive, opposite the proposed main site access. These should be upgraded, including the installation of real time information displays, upgraded shelters and raised kerbs to enhance accessibility. A controlled pedestrian crossing facility should be provided for the Dyce Drive stop.

The TA states that a spine road would provide a route for buses through the site, exiting towards the city via the proposed left-out arrangement onto the A96. In order to allow this bus penetration, the proposed access junction on Wellheads Drive shows a right-turning lane for bus and taxi only. Public transport penetration is important to enhance and cope with the future demand, particularly for phase 2 (office and leisure development). A bus strategy to investigate the existing capacity of bus services and requirements for additional buses to cope with demand originating from the development must be prepared and secured by condition. The additional bus services must be subsidised by the developer unless they become commercially viable. The location of bus stops within the site should also be identified.

The phasing plan indicates that the AECC and hotels would open in late 2018, after scheduled de-trunking of A96 (April 2018). The remit of the A96 access junction would therefore fall on Aberdeen City Council (ACC). The A96 access junction shall not be constructed until the A96 has been de-trunked, so a suspensive condition is required.

In order to implement signals on the A96 site access junction, the speed limit will require to reduce from 70mph to 40mph. It has been anticipated that, through the AWPR contract, the Dyce Drive roundabout is being converted to a signalised cross roads, so speed reduction will be carried out as part of this contract. However if this extent is not adequate for the proposed new access to the east of Dyce Drive, it would be the responsibility of the applicant to extend the 40mph speed limit, as required.

A road safety audit (RSA) stage 1 has been requested by Transport Scotland. Again it is anticipated that phase 1 would open at the end of 2018, so the RSA 1 would need to be reviewed by ACC. RSA 1 must be submitted prior to Road Construction Consent, and this should be included as an informative.

A one-way (non-adopted) internal loop road would be constructed in the south east corner of the site to facilitate pick up and drop offs for 'Gig & Go' buses. After passenger drop-offs these buses are proposed to either be parked within the site or at the proposed A96 Park & Choose (P&C). However, parking for such vehicles will not be available at the P&C. Therefore, coach parking should be within the AECC development site and a planning condition should be attached which requires this, or some other suitable arrangement.

Parking

Parking for cars, cycles and motorcycles is proposed in accordance with ACC parking standards. A detailed parking layout should be provided for audit at the time of detailed planning applications.

However, in the Dyce area, ACC has accepted 0.6 parking spaces per bedroom as a maximum level for hotel development. Due to the high level of sustainable transport modes available and established use patterns, but also reflective of the fact that the Dyce corridor is already congested. Therefore parking should be revised for hotels to 0.6 spaces per bedroom.

A condition should be attached which requires the applicant to submit a parking management plan (including shared use arrangements to maximise space occupancy at all times), which should be approved by ACC, before the opening of any part of the development. It is not expected that each element/ use shall have its own dedicated parking to the maximum standards applicable. Travel planning will also be required which should consider how the shift towards sustainable transport modes would be achieved.

Access

The main vehicular access is proposed from Dyce Drive, via a signalised junction. A new junction would be provided on the A96 in the form of a left-in/ left-out, which would replace the existing access junction. The A96 junction also incorporates a bus gate (signalised right turn lane). A third access junction (signalised) has been proposed onto Wellheads Drive. This junction is restrictive and consists of right turn lane for bus and taxi only, with other movements permissible to all vehicles.

A TRANSYT model has been commissioned by the AWPR Team to develop a linked signalised network including A96/Dyce Drive and other nearby junctions which also includes AECC / Dyce Drive access. This junction would be audited and the modelling will be available for the developer to test their junction for the year of opening and up to a major event scenario. The updated traffic modelling results should be provided for review. A planning condition for submission and approval of traffic modelling before the opening of any part of the site must be attached. The AWPR works will alter the existing Dyce Drive / A96 roundabout to a signalised junction. The proposed site access junction on Dyce Drive must tie into the future layout of the road and a planning condition requiring this should be attached.

Internal Road Layout

The internal layout design will be developed in accordance with 'Designing Streets'. A traffic management plan which identifies the operation of traffic within the site during major events would be required, controlled by a planning condition. If any operational issues are forecast during the major event scenario, this would require to be mitigated. All bus routes need to be adopted.

Drainage Impact Assessment

A Drainage Impact Assessment in line with SUDS principles should be submitted via a condition.

Travel Plan Framework

A full travel plan should be submitted, before any occupations, required by condition. As such prior to occupation of the development the applicant must develop and agree with the Roads Authority a suitable Travel Plan and legal agreement including future modal share targets, monitoring regime, funding commitments, programme of implementation and a mechanism for the review of targets and measures to be implemented.

Strategic Transport Fund (STF)

The proposed development meets the threshold requirements for the STF and STF would be calculated at the detailed planning application stage for each phase of the development.

Local Road Network

The TA makes an assessment of all the access junctions for phase 1 (including 'Normal Day' and 'Major Day' scenarios) and phase 2 for the office and leisure uses.

Due to the significantly high level of committed and planned developments in the Dyce area, the local road network is anticipated to experience significant congestion. In order to fully consider this, ACC commissioned a consultant to develop a traffic model and to identify road infrastructure improvements. The resulting improvements identified includes: a grade separated A96/Dyce Drive junction; dualling of Dyce Drive to Argyll Road; and modification of signals timings, etc.. In order to deliver these recommended interventions, ACC are requesting that all the developers in the area contribute to costs in an equitable way. A figure of £3,500 per additional trip generated in the morning and evening peak hours is to be applied. The applicants would need to enter into a legal agreement to pay this proposed contribution, which would be calculated by the local road authority for each detailed planning stage.

It is expected that for phase 2, the Dyce interventions contribution would be required and therefore no development beyond phase 1 of the development should be permitted until the contribution required to fund Dyce interventions agreed with the local road authority.

For phase 1 it is expected that the existing trips value might be equivalent to the proposed phase 1 level and therefore Dyce interventions contribution would not be required, however detailed comparison of the situation is still to be concluded, and the applicant is aware of the issue.

ACC – Communities Housing and Infrastructure (Environmental Health) –

Contamination – It is recommended that a condition is attached requiring that a scheme to address any significant risks from contamination on the site has been approved by the planning authority and is thereafter implemented.

Air Quality – The air quality assessment predicted the potential impacts arising from the construction and operational phases of the development in 2018 and 2023, compared to the 2013 baseline, taking account of the other committed development in the area. Nitrogen dioxide (NO₂) and particles (PM₁₀) concentrations in the vicinity of the proposed development are currently below the annual mean air quality objectives and there is minimal risk of exceedance in this area. However the Anderson Drive/ Haudagain roundabout/ Auchmill Road Air Quality Management Area (AQMA) is located along the A96 to the east, commencing at the junction with Howes Road. This AQMA was designated in 2009 due to measured exceedance of the annual mean NO₂ objective and predicted exceedances of the PM₁₀ objective, particularly around the Auchmill Road/ Old Meldrum Road junction and Haudagain roundabout. Increased traffic associated with the proposed development has the potential to increase pollution in these areas.

The assessment predicted compliance with the air quality objectives in 2018 and a negligible impact on relevant receptors, including properties on Auchmill Road.

However, the size and nature of the committed developments in the wider area, including the AWPR, and the predicted increased traffic flows and potential congestion makes it difficult to accurately predict air quality impacts. Furthermore, recent studies have suggested the emission factors currently used to predict future pollution levels significantly underestimate the contribution of diesel vehicles. The modelling used to predict the air quality impacts therefore may under predict actual emissions in 2018.

There is no objection to the application based on the air quality assessment. However as, stated above, the prediction of the cumulative impact of all the committed developments in the area is challenging and may under predict actual concentrations. It is recommended that the developer submit details of mitigation measures to minimise traffic (particularly at peak times when congestion is most likely) and air quality impacts and encourage sustainable transport, for example through the provision of a detailed travel plan with provision to measure its implementation and effect.

The air quality assessment also considered the potential dust impacts during the demolition and construction phases. Should planning permission be granted a condition should be attached requiring a Dust Management Plan to be implemented.

ACC – Communities, Housing and Infrastructure (Flood Prevention Team) – Consider the proposed drainage and flood prevention measures acceptable.

ACC – Communities, Housing and Infrastructure (Waste Strategy Team) – Due to the commercial nature of the development, it would receive a business waste collection.

Aberdeenshire Council (Infrastructure Services) – Aberdeenshire Council has no comments to make on the planning application and trusts that all relevant matters including transport/ access arrangements will be fully considered when determining the application.

Aberdeenshire Council – Archaeology Service (Shared Service) – The proposal for the demolition rather than re-use of Strathcona House is one of considerable detriment to the historic environment and as such means that, in this particular instance, it can only be recommended that the application is refused. The proposed demolition of this building will lead to the complete loss of one of Aberdeen's most recognised historic structures. It is accepted that there has to be flexibility within the design approach for a successful re-use of the development site as a whole, and with that in mind an objection is not raised to the other proposed demolitions. Strathcona House however, located towards the edge of the proposed development, must be considered for an alternative re-use in the first instance, with the accompanying draft Masterplan updated to reflect this.

The archaeological mitigation methodology, as laid out in the Environmental Statement, is acceptable. However, should the development be minded to proceed, it is recommended that a condition is applied requiring the implementation of a programme of archaeological works prior to development commencing.

Aberdeenshire Council – Developer Contributions Team (Shared Service) – Core Path 4 runs through the site and the masterplan illustrates this has been incorporated into the design, with improvements. The Developer will also be required to provide links into this path as part of the overall development. Future detailed applications should demonstrate these linkages.

Any Strategic and Local Transportation requirements are identified and confirmed direct by Aberdeen City Council's Transportation Team.

Aberdeen International Airport (AIA) – The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria, subject to the following conditions –

- The proposal has been assessed against the potential future expansion of the southern runway which may be required in the period 2020 – 2040. The buildings are therefore subject to the maximum heights specified in the plans.
- The airport has been notified by NATS En-route Ltd (operator of the Perwiness Radar) that the development has the potential to affect the operation of the radar. A condition should be attached which requires any impact of be either discounted or addressed as detailed proposals come forward.
- A condition should be attached requiring a bird hazard management plan to be submitted and approved prior to development commencing.
- A condition should be attached requiring detailed drainage details, including bird deterrent measures, to be submitted and approved prior to development commencing.

Advice is also provided on the use of cranes in the vicinity of the airport, landscaping, lighting, signage and noise.

Aberdeen Western Peripheral Route Managing Agent – The submitted transport assessment indicates that the development has the potential to impact on the operation of the AWPR/ A96 grade separated junction. There is a potentially significant level of queuing present on the northbound diverge slip road that backs onto the northbound carriageway of the AWPR. There is also a significant impact on the A96/Craibstone signalised roundabout, with significant queuing occurring on the A96 west approach.

Bucksburn and Newhills Community Council – The Community Council object to the application due to the proposed demolition of Strathcona House.

Following a public meeting organised by the community council in May 2015 it was ascertained that there was a significant strength of feeling in relation to Strathcona House. Three main points were raised –

- Strathcona House is a unique building in Aberdeen terms and beyond, being, the community council are led to believe, the largest red sandstone building in Scotland. Inside there are magnificent features like oak panelling, stained glass windows and a beautiful staircase. It is strongly recommended that Councillors pay a visit to the building prior to making any decision.
- The second point relates to the people represented by Strathcona House – people such as Sir John Boyd Orr and Lord Strathcona who should be celebrated and lauded throughout Scotland, rather than being lost to future generations.
- All the initial discussions with the public indicated that Strathcona House was to remain. It appears quite concerning that the change to demolish the House is made at this very late stage in the proceedings.

The community council accept that the rest of the buildings making up the Rowett Institute can, reluctantly, be demolished, but that this one building which has to be incorporated into the new development rather than being demolished to accommodate this new construction. Although this new concert centre will be state of the art when it is constructed, that in twenty/thirty years time it will probably be ready to be taken down to make way for another one. Strathcona House on the other hand was constructed in the 1930's, still looks magnificent and will still be in this condition, if it is maintained and incorporated into the new conference centre.

Dyce and Stoneywood Community Council – Strongly object to the application, in particular the proposal to demolish Strathcona House, a unique sandstone building in Aberdeen with a magnificent interior and its historical significance and connection with Lord Strathcona and Lord Boyd-Orr enhance its value to Aberdeen. The community council are surprised and disappointed that the developer previously stated that the building would be retained but now at the last moment it is apparently required for ‘car parking’. This is a cynical plot from the developer which is condemned.

Energetica Development Manager – Energetica are content that this proposal seeking to establish the principle of development, which is of a high quality and reflects the aims and aspirations of the Energetica programme. Energetica is supportive of the proposals for the construction of a world class exhibition and conference centre which will attract local, national and international visitors providing a hub for major business and leisure related events. It is pleasing to note that in terms of sustainability the developer intends to go beyond the BREEAM requirements, which generally carries an environmental focus and will also consider other cumulative benefits through a wider set of indicators for the whole of the masterplan area.

The Environmental Statement describes the difficulties around access to the current site by public transport, as part of the justification for the new project. To utilise the potential of the proposed site it is crucial that a clear, attractive and

sustainable public transport strategy is developed. The statements contained within the draft Masterplan document around this topic are encouraging, but it is crucial that accessibility for visitors is addressed early and a clear travel plan is put in place to support the different phases of development. This should be for international visitors, but also for local and regional visitors from Aberdeenshire, Angus and Moray. Opportunities associated with the planned park and choose site should be utilised.

Historic Environment Scotland (HES) – There is no designations within HES’s statutory remit (scheduled monuments and their setting, category ‘A’ listed buildings and their setting, battlefields and gardens and designed landscapes) within or in the immediate vicinity. In this regard there are no specific comments on the assessment and masterplan to offer.

HES recently received a request to consider Strathcona House for listing. As HES may not list a building which is subject to a current planning application which affects the character of the building, the site will not be considered further for listing at this time. HES has provided the appraisal of the building against listing criteria to the Council and it is hoped it will aid the consideration of this planning application and the draft masterplan. A view should be sought from ACC’s conservation and archaeology services.

NATS (En-Route) Plc. –The development has the potential to affect the operation of the Perwinnes Secondary Surveillance Radar (SSR). While insufficient details are currently available in order to fully model and formally respond either supporting or objecting to the development, NATS requests that a condition is imposed on any consent in order to ensure that any impact is either discounted or addressed. As such, NATS has no objections to the granting of a Planning Permission in Principle subject to the imposition of the planning condition and an informative requiring detailed plans of the buildings showing that there would no impact, or details of a scheme to mitigate any impact.

Police Scotland (Specialist Crime Division, Architectural Liaison Officer) –

- This area of Aberdeen has a very low crime profile, possibly due to the nature of its recent business. With a slightly wider focus applied, it can be seen that the majority of offences relate to motoring offences on the A96 or adjacent roads, thefts and minor vandalisms with no link to the development as it stands. Given the potential influx of large numbers of people to the development once it has been completed, the current crime profile is likely to change dramatically.
- Detailed design advice to limit the opportunities for crime to occur has been provided.

Scottish Environment Protection Agency (SEPA) –

Flood Risk and Burn Diversion – The Flood Risk Assessment (FRA) shows that the flood risk/extent is predicted to be reduced as a result of the diversion of the burn.

The methodology and estimated peak flows are reasonable. It is noted that the flood extents for the pre-development, and post-development with mitigation measures are consistent and flood risk does not appear to be increased. Slight betterment is shown. No development should take place within the 1 in 200 year plus climate change functional floodplain, It is requested that this is secured by condition and used to inform the detailed design stage and site layout. If this will not be applied, then please consider this representation as an objection. The revised FRA recommends that further hydraulic modelling is undertaken during the detailed design stage. SEPA support this approach and look forward to providing additional comments.

Surface Water – It is noted that roof water would be treated by one level of SUDS treatment and road and hardstanding areas by two. The SUDS proposals are acceptable to SEPA from a water quality perspective.

Current SUDS proposals are based on no infiltration, however these should be implemented if feasible and appropriate for the location. This should be reviewed as part of the detailed design of the drainage once sufficient site investigations have been carried out. It is therefore requested that a condition is attached requiring finalised details of the SUDS proposals. If this is not attached, then please consider this representation as an objection.

Foul Water – SEPA welcome the proposed foul water connection to the existing Scottish Water sewer and have no objection to this aspect.

Contaminated Land – Within chapter 8 of the ES there is reference to radioactive contamination and burial pits that were used to store waste material. SEPA would highlight that there are two disposal sites possibly containing radioactive waste within the site and as such it is requested that a condition is attached to any grant of planning consent requiring the developer to undertake appropriate assessment in relation to radioactive contamination, along with details of any necessary remediation. Please note, it should not be assumed that remediation of the contaminated land is the most appropriate option.

SEPA would also take this opportunity to highlight that there is a Radioactive Substances Authorisation in place on the site. SEPA are liaising direct with the authorisation holder regarding the ongoing operation/revocation of this as the site is developed. As such it is highlighted that the above advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage.

Advice on chemical land contamination issues should be sought from the local authority contaminated land specialists because the local authority is the lead authority on these matters.

Pollution Prevention and Environmental Management – SEPA welcome the submission of the draft Construction Environmental Management Plan (CEMP) and the Schedule of Mitigation. It is therefore requested that a condition is attached to the consent requiring the submission of a site specific finalised CEMP. If this is not attached, then please consider this representation as an objection.

Site Waste Management Plan – The proposal includes the demolition of the existing buildings and there will be extensive earth works on site. SEPA therefore requests that a condition is attached to any grant of planning consent requiring the submission of a site specific waste management plan. If this is not attached, then please consider this representation as an objection.

Scottish Natural Heritage (SNH) – The proposal includes the demolition of several buildings, seven of which contain bat roosts, including a soprano pipistrelle maternity roost. It also includes the diversion of part of the Green Burn, which is used by otters. Several otter couches were identified along this diverted stretch. Even with the mitigation set out in EIA and bat survey report, a licence from SNH will be required by the applicant before they can proceed.

Bats and otters are European Protected Species. This means that if the Council are minded to approve this application it must satisfy itself, in line with statutory duties under the Habitats Regulations 1994 (as amended), that the licensing tests set out in those regulations are likely to be met before approving the application. If not, there is the risk that the applicant is unable to make practical use of the planning permission or commits an offence. Based on the information currently available to SNH, it is likely that the tests would be met and therefore a licence would be granted. Please note that this advice is given without prejudice.

Species protection plans will be required for otters and all bat species found on site. Within the ES, 'Table 10.12 EIA Summary' wrongly states that a bat licence has already been granted.

Scottish Water – No objection to the application. Invercarnie Water Treatment Works and Persley PFI Waste Water Treatment Works currently have capacity to service the proposed development.

Sport Scotland – It is not expected that the development would have any impact on nearby sport pitches and therefore there is no objection from Sport Scotland.

Transport Scotland – With regards to the EIA –

- It is noted that these proposals are one of a number of proposed developments included within the Council's wider Dyce Corridor Study. This has identified a requirement for significant mitigation measures affecting both the trunk and local road network. As such, we are unable to comment on this development in isolation until such time as the Council's study has been

concluded and the wider environmental impacts associated with increased traffic are understood.

- The EIA indicates that a new junction is proposed on the A96 in the form of a left in/ left out arrangement which will replace an existing junction. A signalised right turn facility will be incorporated into the junction to allow access for buses and signalised pedestrian crossing facilities will also be provided. The suitability of this arrangement in the situation where the A96 remains as part of the Trunk Road Network will require to be agreed with Transport Scotland.

In response to the planning application –

- Do not advise against the granting of planning permission, subject to conditions being attached requiring (i) details of the proposed A96 junction being submitted and approved (ii) the Dyce Drive Corridor Mitigation Scheme has been agreed by the planning authority in consultation with Transport Scotland ,(iii) boundary treatment with the trunk road and (iv) external lighting for the development.
- Transport Scotland's response is provided on the understanding that Aberdeen City Council will reach agreement with the applicant to take appropriate contributions towards the Strategic Transport Fund / Dyce Corridor Mitigation Scheme, which will address the wider impacts of this development on the transport network. Should formal agreement not be reached, Transport Scotland would require to reconsider this response.

REPRESENTATIONS

71 letters of representations have been received. Many support the concept of redeveloping the site, however all but one raise strong objections to the demolition of Strathcona House and to a lesser extent the Reid Library. The matters raised in relation to Strathcona House are summarised below –

1. The building is of significant historic importance due to its connection with internationally important and recognised scientific research, specifically in the fields of agriculture, food and nutrition. It is therefore of local, regional, national and international significance.
2. The demolition of the building would lead to the loss a heritage asset which should be retained in order to safeguard the history associated with the Rowett Institute and its founder Sir John Boyd Orr, whose accomplishments included: being awarded the Nobel Peace Prize for scientific research on nutrition; holding the post of Director General of United Nations Food and Agriculture Organisation; developing the system of rationing during World War II; and co-founding and holding the post of president of the World Academy of Art and Science.

3. Historic Environment Scotland has identified the building as being worthy of retention and would list it as category 'C' if it had not been for the live planning application.
4. The building has a fine interior which is largely intact, with original features such as oak panelling, carvings and six stained glass windows, four of which were designed by Alexander Strachan, a renowned designer and brother of Douglas Strachan who glazed the King's College memorial window.
5. Aberdeen already has the unenviable reputation of '*being where architecture goes to die*' and allowing Strathcona House to be demolished would further compound this impression. It is an unfortunate trend that Aberdeen City Council appears to focus on new developments which tend to allow for dismissal of the city's heritage as if it is worthless.
6. The building is an important landmark alongside the A96 trunk road and there are few historic buildings of value left in Bucksburn so therefore it should be retained.
7. The building is perfectly useable and functioning and in an era where sustainability and reuse are important, it should not be demolished. It is suggested that the building could instead be used as a hotel, small conference facility, wedding venue, art gallery, museum, community facility or space to promote Scottish agriculture, food and drink.
8. The building should be retained as a gateway to the AECC development and could be used to showcase to visitors the achievements associated with the research carried out at the Rowett Institute.
9. The original plans for redeveloping the site showed the retention of Strathcona House whereas the revised plans show the building having been enlarged.
10. The demolition may not be allowed by the conditions of ownership of the site.
11. The demolition would be contrary to Policy D5 (Granite Buildings)

Other matters raised in relation to the wider development of the site are summarised as follows –

12. Concern with the loss of allotments in the north east of the site.
13. Concern with the loss of country walks.
14. Due to the many new developments in the area the character of Bucksburn is being affected and it is losing its 'village feel'.
15. The existing AECC site in Bridge of Don should be redeveloped rather than the AECC being moved to this site.

16. The development is too close to the airport which could cause safety issues.
17. There is an opportunity for the football stadium and AECC to be co-located at the Rowett South and Rowett North sites.
18. The scale of development can only have a significant impact upon local wildlife. The site could be more sensitively developed in order to accommodate existing trees and green space.
19. The Rowett Institute should not move to Foresterhill as the move could have a long term impact on services at Aberdeen Royal Infirmary.
20. The majority of traffic associated with the AECC would be going into the city so the AWPR would not alleviate traffic issues.
21. The money being spent on the new AECC would be better spent on roads or social care.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) – SPP is the statement of Scottish Government Policy on land use planning, and includes the government's core principles for the operation of the planning system, subject planning policies, and how they should be exercised to contribute to the objective of sustainable development. The principle policies relating to sustainability and place making and subject policies relating to: a Successful, Sustainable Place; a low Carbon Place; a Natural, Resilient Place; and a Connected Place, are considered particularly relevant.

Creating Places (Scottish Government) – A policy statement on architecture and place setting out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy.

Designing Places (Scottish Government) – Sets out government aspirations for design and the role of the planning system in delivering these. The aim of the document is to demystify urban design and to demonstrate how the value of design can contribute to the quality of our lives. *Designing Places* is a material consideration in decisions in planning applications and appeals.

Designing Streets (Scottish Government) – A policy statement for street design emphasising street designs importance in place-making and a move away from focus on motor vehicles. It sits alongside *Designing Places*.

Aberdeen City and Shire Strategic Development Plan (March 2014)

The Strategic Development Plan sets out the following key objectives for the growth of the City and Aberdeenshire:

- Economic Growth – to provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries, while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.
- Population growth – to increase the population of the city region and achieve a balanced age range to help maintain and improve people’s quality of life.
- Quality of the environment – to make sure new development maintains and improves the region’s important built, natural and cultural assets.
- Sustainable Mixed Communities – to make sure that new development meets the needs of the whole community, both now and in the future and makes the area a more attractive place for residents and businesses to move to;
- Accessibility – to make sure that all new development contributes towards reducing the need to travel and encourages people to walk, cycle or use public transport by making attractive choices.

Aberdeen Local Development Plan (2012)

Policy LR1 (Land Release Policy) – The site is identified in the local development plan (LDP) as opportunity site OP28 (Rowett North) which is allocated for 34.5 hectares of employment land in the period between 2007 and 2023.

A combined masterplan for OP28 and OP26 (Craibstone North and Walton Farm) is required.

Policy B11 (Aberdeen Airport and Harbour) – Public Safety Zones have been established for Aberdeen Airport where there is a general presumption against certain types of development. Regard will be paid to the safety, amenity impacts on and efficiency of uses in the vicinity of the Airport.

Policy D1 (Architecture and Placemaking) – New development must be designed with due consideration for its context and make a positive contribution to its setting. To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Masterplanning Process Supplementary Guidance will be applied.

Policy D3 (Sustainable and Active Travel) – New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.

Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

Policy D6 (Landscape) – Development will not be acceptable unless it avoids: significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct ‘sense of place’ which point to being either in or around Aberdeen or a particular part of it; disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them; sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Policy D4 - Aberdeen’s Granite Heritage – The City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured. Where a large or locally significant granite building that is not listed or in a conservation area is demolished, the City Council will expect the original granite to be used on the principal elevations of the replacement building.

Policy I1 (Infrastructure Delivery and Developer Contributions) – Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. The level of provision or contribution required will relate to the development proposed either directly or to the cumulative impact of development in the area and be commensurate to its scale and impact.

Policy NE1 (Green Space Network) – The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted. Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such developments shall take into account the coherence of the network. In doing so measures shall be taken to allow access across roads for wildlife and for access and outdoor recreation purposes. Masterplanning of new development should determine the location and extent of the Green Space Network within these areas.

Development which has any impact on existing wildlife habitats, or connections between them, or other features of value to natural heritage, open space, landscape and recreation must be mitigated through enhancement of Green Space Network.

Policy NE5 (Trees and Woodlands) – There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover. Native trees and woodlands should be planted in new development.

Policy NE6 (Flooding and Drainage) – Development will not be permitted if –

1. It would increase the risk of flooding;
2. It would be at risk itself from flooding;
3. Adequate provision is not made for access to water-bodies for maintenance; or
4. It would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Applicants will be required to provide an assessment of flood risk where a development is likely to result in a material increase in the number of buildings at risk from flooding.

Where more than 10 homes are proposed, the developer will be required to submit a drainage impact assessment. Surface Water Drainage associated with development must:

1. Be the most appropriate available in terms of SUDS; and
2. Avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided.

Policy NE8 (Natural Heritage) – Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy. In all cases of development at any location:-

1. Applicants should submit supporting evidence for any development that may have an adverse effect on a protected species demonstrating both the need for the development and that a full range of possible alternative courses of action has been properly examined and none found to acceptably meet the need identified;

2. An ecological assessment will be required for a development proposal on or likely to affect a nearby designated site or where there is evidence to suggest that a habitat or species of importance exists on the site;
3. No development will be permitted unless steps are taken to mitigate negative development impacts. All proposals that are likely to have a significant effect on the River Dee SAC will require an appropriate assessment which will include the assessment of a detailed construction method statement addressing possible impacts on Atlantic Salmon, Freshwater Pearl Mussel and Otter. Development proposals will only be approved where the appropriate assessment demonstrates that there will be no adverse effect on site integrity, except in situations of overriding public interest;
4. Natural heritage beyond the confines of designated sites should be protected and enhanced;
5. Where feasible, steps to prevent further fragmentation or isolation of habitats must be sought and opportunities to restore links which have been broken will be taken;
6. Measures will be taken, in proportion to the opportunities available, to enhance biodiversity through the creation and restoration of habitats and, where possible, incorporating existing habitats;
7. There will be a presumption against excessive engineering and culverting; natural treatments of floodplains and other water storage features will be preferred wherever possible; there will be a requirement to restore existing culverted or canalised water bodies where this is possible; and the inclusion of SUDS. Natural buffer strips will be created for the protection and enhancement of water bodies, including lochs, ponds, wetlands, rivers, tributaries, estuaries, and the sea.

Policy NE9 (Access and Informal Recreation) – New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, and other paths and rights of way. Core Paths are shown on the proposals maps. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Policy NE10 (Air Quality) – Planning applications for development which has the potential to have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and can be agreed with the planning authority. Such planning applications should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed.

Policy R2 - Degraded and Contaminated Land – The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level appropriate for its proposed use.

Policy R6 (Waste Management Requirements for New Development) Housing developments should have sufficient space for the storage of residual, recyclable and compostable wastes. Flatted developments will require communal facilities

that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and on other developments where appropriate. Details of storage facilities and means of collection must be included as part of any development which would generate waste.

Policy R7 (Low and Zero Carbon Buildings) – All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 standards. This percentage requirement will be increased as specified in Supplementary Guidance.

Policy R8 - Renewable and low carbon energy developments

The development of renewable and low carbon energy schemes is supported and applications will be supported in principle if proposals:

- Do not cause significant harm to the local environment, including landscape character and the character and appearance of listed buildings and conservation areas.
- Do not negatively impact on air quality.
- Do not negatively impact on tourism.
- Do not have a significant adverse impact on the amenity of dwelling houses.

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 planning permission if it does not satisfy all of the following requirements:

- No other suitable site in a location that is acceptable in terms of policy R1 is available or is likely to become available in a reasonable time.
- There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres.
- There is, in qualitative or quantitative terms, a proven deficiency in provision of the kind of development that is proposed.
- The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycle and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.
- The proposed development would have no significantly 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 the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review.

Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Supplementary Guidance (SG)

Rowett North Masterplan (October 2015) – The masterplan was approved as interim planning guidance by the Community, Housing and Infrastructure Committee at its meeting on 27th October 2015. It aims to establish design-led planning guidance to inform a business and leisure led mixed-use development with the new AECC building as the centrepiece of the site. The masterplan includes the demolition of all buildings on site, including Strathcona House.

Other Supplementary Guidance

The following supplementary guidance documents are material considerations in the evaluation of the application –

- Air Quality SG
- Archaeology and Planning SG
- Drainage Impact Assessments SG
- Infrastructure and Developer Contributions Manual
- Landscape Strategy Part 2 – Landscape Guidelines
- Low and Zero Carbon Buildings SG
- Transport and Accessibility SG
- Trees and Woodlands SG
- Waste Management Requirements in New Development SG

Proposed Aberdeen Local Development Plan (2015)

In the proposed plan, published in March 2015, the site is re-zoned as a Specialist Employment Area, where Policy B2 applies. It states that in such areas, only class 4 (business) use 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 relation to the Rowett North site specifically, the site is reserved for exhibition centre purposes and uses that support and are compatible with the exhibition centre, excluding large scale retail.

The site is also identified as Opportunity Site 19 (Rowett North) which indicates that the site is suitable for the new Aberdeen Exhibition and Conference Centre and complimentary employment uses. It notes that a masterplan is in preparation and that the site may be at risk of flooding and will therefore require a flood risk assessment to be carried out.

The following policies are relevant and substantively reiterate existing policies in the adopted local development plan –

- Policy D1 (Quality Placemaking by Design)
- Policy D2 (Landscape)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)
- Policy T4 (Air Quality)
- Policy NE1 (Green Space Network)
- Policy NE5 (Trees and Woodlands)
- Policy NE6 (Flooding, Drainage and Water Quality)
- Policy NE8 (Natural Heritage)
- Policy NE9 (Access and Informal Recreation)
- Policy R6 (Waste Management Requirements for New Developments)
- Policy R7 (Low and Zero Carbon Buildings and Water Efficiency)

Newly introduced policies which are relevant are –

Policy T5 (Noise) – In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

Development within or near to Candidate Noise Management Areas (CNMAs) and Candidate Quiet Areas (CQAs) will not be permitted where this is likely to contribute to a significant increase in exposure to noise or a deterioration of noise conditions in these areas, or where this will reduce the size of, or cause an increase in the noise level within, the CQA.

Policy CI1 (Digital Infrastructure) – All new residential and commercial development will be expected to have access to modern, up-to-date high-speed communications infrastructure.

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.

Principle of Development

For the purpose of this evaluation; the application is for planning permission in principle and accordingly, the consideration of each aspect of the proposal will deal primarily with the principles and generality of the proposed 'indicative' layout rather than any detailed design. In this instance applications for matters specified in conditions (MSC) would address the detailed layout and position & appearance

of the office buildings and a separate detailed planning application (P151390) has been submitted and is being considered concurrently to deal with the AECC and supporting buildings.

The option of redeveloping the existing AECC site at Bridge of Don (*issue 15*) has been discounted by the Council and its development partner Henry Boot. The Council, acting as planning authority, must thus determine the application before it rather than consider other potential alternatives. Similarly the potential for a football stadium to be co-located with the AECC at this or any other site is a commercial decision for the operators and landowner and is not a material planning consideration (*issue 17*).

Departure from Local Development Plan (LDP)

The adopted LDP identifies the site for employment use through Policy LR1 (Land Release) but does not include the exhibition or conference centre or associated leisure and retail uses. Although employment uses will also be included, it is considered that there is a material difference between the LDP zoning of the site and what is now proposed. This, therefore, represents a departure from the development plan. Notwithstanding this, there are material considerations why the proposed development is regarded as being acceptable.

The first consideration is that, as mentioned earlier, the site is already zoned for development, rather than being a site which was planned to remain as green belt. The notion that the agricultural and academic uses would cease and that the site would experience significant change in physical and land use terms has already been accepted by the Council.

Secondly, a net floor space of 60,000sqm of class 4 office use is proposed, resulting in a significant part of the site still being proposed for employment use. Furthermore, the proposed anaerobic digestion plant is a use which is best suited to a business and industrial zoned area, because of the level of heavy goods vehicle movements and industrial nature of the activity and buildings. That particular use is likely to have been acceptable principle whether or not it was associated with the new AECC.

Finally, since the adoption of the ALDP in February 2012, the Proposed Aberdeen Local Development Plan was published in March 2015 and the Rowett North site is now proposed for specialist employment use. It is also specifically identified as an opportunity site for the relocation of the AECC. No representations were received on the Rowett North allocation and therefore assuming the plan is adopted, the allocation will remain unaltered (the proposed plan is currently with Scottish Ministers for examination). It is therefore apparent that the Councils latest position on the future development of the site is that it is appropriate for the new AECC.

Rowett North Masterplan

The adopted LDP requires a combined masterplan to guide the future redevelopment of the 'Rowett North' site (OP28) and a neighbouring site to the east, which is known as 'Craibstone North and Walton Farm' (OP26). Since the drafting of the 2012 ADLP the circumstances surrounding the future of Rowett North have changed and no progress has been made on the Craibstone North and Walton Farm site. Therefore it was considered appropriate to progress by preparing a Rowett North specific masterplan which was approved as interim planning guidance by the Community, Housing and Infrastructure Committee at its meeting on 27th October 2015.

The masterplan developed and evolved through detailed site analysis and in response to extensive consultation. The overall design concept is centred on the new AECC building, as well as providing sites for complementary offices and leisure uses. The masterplan establishes how these can be fully integrated into the development location and surrounding landscape, creating a sense of place and identity for the site and wider community, with the design of the new AECC at its heart. A key feature is the creation of extensive public parkland which connects existing and future communities to the site. The parkland is intended to be an attractive environment for people to access and to serve as a living environment for wildlife and landscape.

A number of areas of differing landscape character are incorporated, offering a range of experiences for visitors to the site and providing a legible hierarchy of formal and informal spaces across the public realm. These character areas aim to create a setting for the individual buildings and ensure that the architecture is fully integrated into the overall landscape design. A central public square is proposed, which aspires to provide a high quality public realm environment and create a key focal point and gathering place surrounded by the AECC, hotels/restaurants and commercial buildings.

Sustainability is a major driver for the masterplan. It is recognised that many of the possibilities for sustainability benefits are unique to this site and the area offers the potential to deliver an exemplar sustainable development.

The masterplan seeks to deliver buildings that are legible in form and massing, that create visual interest with transparent and active frontages. Clear guidance on how each character area should be developed is detailed with the key aspiration of functionality being combined with sustainability and design quality to create a development which will not only achieve a successful redevelopment of the Rowett site but will strengthen Aberdeen's profile for business and leisure.

The masterplan will guide the content of future applications in order to ensure high standards of design in accordance with Policy D1 (Architecture and Placemaking).

Summary of Environmental Statement (ES)

The proposal is subject to environmental impact assessment in terms of schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011. An environmental statement ('ES') has been submitted with the planning application.

Before determining the application the Council must take into consideration the information contained in the ES, including any further information, any comments made by the consultation bodies and any representations from members of the public about environmental issues. Provided it serves a planning purpose, any information from the environmental impact assessment process may be material and considered alongside the provisions of the development plan.

Adequacy of the Environmental Statement

Before considering the merits of the proposed development it is appropriate to comment on the ES. The methodology covers four areas of review, these being (i) description of development, local environment and baseline conditions, (ii) identification and evaluation of key impacts, (iii) alternatives and mitigation of impacts, and (iv) communication of results.

The assessment by officers of the ES concluded that despite some omissions relating to the rationale for using particular methodologies, consideration of alternatives and consultation with interest groups, the submitted ES is considered to be sufficient in setting out the likely environmental effects of the development, and demonstrating that the severity of such impacts is not likely to be so significantly adverse as to warrant the refusal of this application. Where effects are likely, and when appropriate, mitigation measures can be provided and would be subject of planning conditions

Detailed Analysis of Environmental Statement (ES) Findings

The following sections correspond with those in the ES and provide a summary of its main findings and the mitigation it proposes. For ease of reading and to avoid duplication, each section also includes, where relevant, aspects of that particular topic which although not specifically identified within the ES, is nonetheless a material planning consideration which requires assessment by the planning authority.

Land Use, Agriculture and Infrastructure

The ES identifies that the site would experience significantly different levels of activity as a result of the development. The main changes to land use would relate to –

- Loss of agricultural fields/ grassland to new built development;
- Temporary disruption of utilities/ infrastructure through relocation of facilities, diversions and installations;
- Impacts on residential properties on site as a result of demolition and construction;
- Demolition of buildings relating to the Rowett Institute;
- Impacts on surrounding community uses/ residential areas; and

- Impacts to footpath, core paths and access

Overall, the potential impacts to existing land use, utilities and infrastructure have been assessed as 'minor adverse' due to the scale of the land use change. Mitigation measures to minimise the land use impacts of the proposed development will mainly form part of a Construction Environmental Management Plan (CEMP) including:

- Reinstating all areas of temporary land take and disturbance on completion of the work and retaining and protecting areas that are not to be developed within the site.
- Implementing public access arrangements and signage to ensure that local access is maintained during the construction period
- Avoiding direct impacts on non-designated sites by carefully planning and managing the construction process.

An outline CEMP has been submitted and a condition could be attached requiring a detailed version to be submitted prior to development commencing, as requested by SEPA. This would bring together all the construction related mitigation measures. A site waste management plan (SWMP) would also be required.

Concern was raised at the loss of country walks proposed (*Issue 13*). The masterplan includes provision of a variety of different paths throughout the site which would be connected into existing paths in the surrounding area. The opportunity for informal recreation within the area would be significantly enhanced and is considered to be accordance with Policy NE1 (Green Space Network).

It is accepted that the redevelopment of the site would have a significant impact upon the character of the area and the 'village feel' of Bucksburn may no longer exist as a result of the significant development taking place within the wider context of the area (*issue 14*). However the Council's strategy of significant expansion is supported by both the Aberdeen City and Shire Strategic Development Plan and the Local Development Plan which has allocated such sites for development.

Ground Conditions, Geology and Soils

The ES has not identified any sensitive geological resources on or in the vicinity of the site; no further assessments are therefore required in this regard.

A ground investigation identified very low levels of contamination, the localised presence of asbestos within soils, the potential for contamination within historical burial pits and the potential for localised further "hotspots" of contamination to be present that have not been encountered by the ground investigation completed to date. Based on the findings of the assessment, the potential effects of ground contamination and soil gas are considered to generally be 'negligible' to 'minor adverse'. This could, however, potentially increase to 'major adverse' in the event

that asbestos contaminated soils, or any other possible areas of more significant contamination, are disturbed by the works.

Adverse effects can be mitigated to 'negligible' levels through further detailed investigation of the site, appropriate site health and safety and environmental protection measures during the construction works, localised remedial works of any asbestos or contaminated soils identified and the appropriate design of the proposed development. Any remedial works carried out will further result in a minor beneficial effect; reducing the risk posed by contamination to site users, streams and groundwater to lower levels than currently exist on the site.

The Council's Environmental Health service has assessed the ES and are content with its findings in relation to contamination, subject to the results of further studies being submitted and a remediation plan being developed. SEPA has also reviewed the ES and provided confirmation that there is a radioactive substances authorisation in place which relates to burial pits located on the site. SEPA are liaising direct with the authorisation holder and the applicant regarding the ongoing operation and revocation of this and the remediation measures required. A condition would be attached to any planning permission requiring further investigation to take place and the submission of a remediation plan to address any biological, chemical or radiological contamination and to ensure that the site is fit for its end-use, in accordance with Policy R2 (Degraded and Contaminated Land) of the ALDP.

Hydrology, Drainage and Water Quality

Four burns are present within the site, the Green Burn, Gough Burn, East Craibstone Burn and Corsehill Burn. All have undergone significant historic modification and SEPA has confirmed that it presumes their status is not good. It is proposed to realign the Green Burn and rationalise large portions of the Gough Burn and East Craibstone Burn into a new single channel through the site. The overall impact of this is predicted to be positive as the new channel has been designed to replicate a natural unmodified burn, appropriate for the local environment. SEPA is satisfied with the principle of the diversion subject to detailed designs being submitted. It is considered that although the burn corridor would be extensively remodelled, the wildlife value, which is designated as Green Space Network, would be enhanced as required by Policy NE1 (Green Space Network).

The ES identifies that there are potentially significant impacts to hydrology and water quality during the demolition and construction phases of works. These include increased volumes of sediment reaching watercourses and pollution from spillage events. Detailed management plans which outline runoff management techniques, including sustainable drainage systems (SuDS) and phasing would form part of the CEMP and would mitigate these potential impacts.

The development would have no negative impacts on flooding. Demolition and construction works would be phased to ensure there is no overall loss in channel

capacity and although there will be a shift in land-use, the development would incorporate SuDS) which would ensure that run-off would be no greater than that from an equivalent green field site. The ES predicts that the construction and operation of the site would have a 'negligible' overall effect on hydrology, drainage and water quality, the key difference to the current drainage pattern being the proposed more natural form and function of the Green Burn.

The existing combined sewer would be removed and a new foul sewer network installed and connected to the public sewer system. This is welcomed by both the Council and SEPA and is in accordance with Policy NE6 (Flooding and Drainage).

A Flood Risk Assessment (FRA) has been submitted as there is a history of the Greenburn area experiencing flooding. SEPA and the Councils Flood Prevention Team have reviewed the FRA and find the methodology and estimated peak flows to be reasonable. Flood risk does not appear to be increased as a result of the diversion of the Burns and bank works. The FRA also shows a slight betterment compared to the pre-development situation in some areas. No development should take place within the 1 in 200 year plus climate change functional floodplain. A condition would be attached securing this and requiring detailed design of the new burn to be submitted for review by the Council and SEPA.

Surface water drainage would be treated by SuDs, in order to ensure sufficient attenuation and water quality. SEPA have expressed a desire to see infiltration, where components are used to capture surface water runoff and allow it to soak and filter through to the subsoil layer, before returning it to the water table below. Further site investigations would be undertaken to determine if this is possible and inform the selection of appropriate SuDS features. A condition is recommended requiring detailed surface water drainage designs.

Ecology, Biodiversity and Nature Conservation

The potential impacts of the proposed development on ecology, biodiversity and nature conservation, habitats and terrestrial and aquatic species (including birds) was examined by the ES. Habitats within the site were surveyed and any field signs or suitable habitat for protected species were noted, resulting in the following being identified as requiring further assessment: bats, otter, water vole, badger, breeding birds, reptiles and invasive plant species. Surveys for these species were carried out however it was considered that due to lack of suitable habitat, great crested newt, Scottish wildcat, pine marten and red squirrel did not require further assessment. The ES identified that potential adverse impacts could include:

- Direct loss of, or disturbance to, habitat and species as a result of land take for construction of the development and the construction itself.
- Fragmentation of otherwise joined-up habitats.
- Unintended pollution incidents (e.g. fuel spillage on land, or silt pollution to water course).

- Disturbance to habitats and species caused by increased human presence within the site from contractors and visitors.
- Death or injury to species on roads caused by increased vehicular traffic, litter or pollution within the site.

Otters

Otters are a European Protect Species and surveys show that they are likely to use the Green Burn as a commuting route. Several resting sites were also identified within the site, none of which were used or are suitable for breeding. Two of the resting places would be destroyed by the diversion of the Green Burn however the overall impact on otters during construction and the future operation of the development was considered by the ES to be minor with a 'negligible' significance of impact. A license would be required from Scottish Natural Heritage (SNH) to permit destruction of the resting places. Based on the information currently available to SNH, it is likely that the tests required in order to obtain the required licenses would be met. An otter protection plan has been drafted and a condition attached requiring it to be implemented could be attached.

Badgers

Badgers and their setts are protected by the Protection of Badgers Act 1992. The species were recorded within the survey area however no setts would be impacted upon by the development, however small areas of foraging ground would be lost and the overall impact would be considered 'negligible'.

Development should proceed with caution after pre-construction surveys have taken place to ensure the situation is as is reported. Other precautionary mitigation measures would be implemented and secured by condition.

Breeding Birds

The loss of habitat during construction due to the loss of mature trees and field would impact upon birds both directly and indirectly due to loss of nests and foraging habitats. Further nesting and foraging habits are available in the surrounding area and therefore the impact would be 'negligible'.

Bats

All bats and their roosts are legally protected in Scotland by the Habitats Regulations 1994. The development would result in the destruction of seven bat roosts located within buildings, one of which is a maternity roost. A license would be required from SNH to allow this to occur. Again, SNH has advised that it is likely a license would be granted. To compensate for this loss, a variety of bat roosting boxes would be provided in the area around the realigned burn. A bat protection plan has also been developed to cover all mitigation related to bats and a condition would be attached requiring it's implementation.

Fish

Whilst not protected and no specific surveys have been carried out, the ES does suggest making provision for the protection of fish in the various burns crossing the site. Specific measures would be included in the CEMP.

Whilst specific measures are proposed to protect all species from adverse impacts, these are considered to be industry best practice and not specifically required to address a significant adverse impact of the proposed development. With all the proposed mitigation in place, the residual impact on ecological receptors as a result of the development would be 'negligible' (*issue 18*).

Trees and Woodland

There are around thirty groups of trees within the site and a further 66 individual trees, often found alongside roads, field edges, and around buildings. The main groups of mature trees are found around the main institute buildings, and within the fields nearby. The oldest trees are a group of beech which are likely to be well in-excess of 100 years old. The trees within the majority of groups are of mixed quality. The vast majority of groups include trees which are of low quality, with some including moderate quality specimens or trees which are expected to die within 10 years.

Of the 66 individual trees, 42 are considered to be of low quality with an estimated life of at least 10 years or are very young trees, 15 are moderate quality with a life expectancy of at least 20 years and 8 are expected to die within 10 years. One tree is classed as high quality with a life expectancy of 40+ years.

None of the tree planting is categorised as semi-natural or ancient woodland, or are protected by tree preservation orders. There are a small number of Wych Elm present, which are identified as an important species by the North East Scotland Biodiversity Action Plan.

As per the approved masterplan, the entire site would be cleared of vegetation, including trees. This is contrary to Policy NE5 (Trees and Woodlands) which states that there is a presumption against the loss of established trees and woodland that contribute significantly to nature conservation, landscape character or local amenity. The loss of trees is always regrettable; however with such a large scale and extensive wholesale redevelopment of the site, in this case it is unavoidable. By way of mitigation, there would be an extensive scheme of replanting undertaken which would significantly increase and enhance the tree cover on the site. Over 30,000 shrubs and trees would be planted in the Burn Parkland alone, which would include native species such as Wych Elm. The public realm around buildings would feature more formal ornamental landscaping which would contribute to the visual amenity of the area.

Landscape, Townscape and Visual

A landscape and visual impact assessment (LVIA) of the proposed development has been undertaken, to inform the design process and to consider the potential effects on the local landscape and visual amenity that would result. Two matters were assessed, the first being the impact of the proposed development on the physical characteristics of the landscape and its resulting character and quality and secondly, the visual impacts relate to the effects on views experienced by visual receptors (e.g. residents, footpath users, people travelling through the surrounding landscape) and on the visual amenity experienced by these people.

The LVIA identifies landscape and visual receptors within a 5km radius study area, based on an appreciation of the extent of theoretical visibility of the proposed development. It found that local topography, extensive woodland cover and existing built development across the study area would considerably limit visibility and visual influence of the development. Key impacts of the proposed development were identified, with potential significant effects being limited to localised areas within the immediate vicinity of the proposed development and areas to the south (within 1.5km).

Once proposed mitigation is taken into account, the residual effects on the landscape and visual amenity within the study area were found to be relatively local; due to the surrounding topography, the extent of built development and areas of woodland cover within the surrounding landscape. Over time these effects will reduce as the proposed development becomes established within the local landscape. The creation of a new path network and introduction of green space, woodland and parkland areas will have further beneficial effects on users of the core path network and create new opportunities for outdoor access and recreation. No significant effects are predicted to arise on the setting of Scheduled Monuments, conservation areas, long distance walking and cycling routes or country parks within the study area.

The assessment considers effects on views and visual amenity as experienced from 12 representative points within the study area. It found that residual effects on views and visual amenity would be localised, with significant effects limited to three viewpoints; including those located along the immediate southern and close northern peripheries and areas of open, elevated ground along the southern settlement edge of Newhills. In these views the proposed development will be experienced within the context of existing large scale development associated with other local business and industrial uses, as well as Aberdeen International Airport. There are predicted to be 'negligible' or 'no effects' on views and visual amenity at four viewpoints; these are located across northern, eastern and north western parts – and illustrate that effects on views and visual amenity will be considerably localised.

Subject to the detailed design of buildings and as demonstrated by the proposed scale and massing of the development shown in the masterplan and ES, the development would not significantly adversely affect the landscape character of the area, in accordance with Policy D6 (Landscape).

Archaeology

An assessment of the potential impacts of the proposed development on archaeology and cultural heritage has been undertaken as part of the ES. The results from the archaeological geophysical survey suggest that there are previously unknown buried archaeological remains within the area of farmland that surrounds the Rowett Institute. In order to ensure that all important cultural heritage assets are protected and recorded where appropriate a staged programme of archaeological mitigation is proposed before construction could commence and particularly before the demolition of any buildings or structures of historic interest. This would be informed by a programme of trial trenching to evaluate the site.

The archaeological mitigation methodology is considered acceptable to the Council's shared Archaeology service and a condition would be attached requiring the implementation of a programme of archaeological works prior to development commencing.

Cultural Heritage

The ES identifies that there would be long term direct effects, as the AECC development would result in the destruction of a number of cultural heritage assets during construction (Strathcona House, Reid Library, Boyd Orr Building and Wardenhill House amongst other less significant buildings).

It is recognised that Strathcona House and other buildings on the site are of historic importance due to their connection with internationally important and recognised scientific research which took place at the Rowett Institute of Nutrition and Health. A significant level of objection, including objections from Dyce and Stoneywood Community Council and Bucksburn and Newhills Community Council, has been received to the demolition of Strathcona House and to a lesser extent the Reid Library (*issues 1 – 11 in representations*).

Historic Environment Scotland's (HES) predecessor, Historic Scotland, did make an assessment of Strathcona House and concluded that it may qualify for listing as category 'C', which would offer it protection from demolition or any alterations which would affect its character. The assessment concludes that Strathcona is a well-detailed example of an early 20th century hall of residence with strong references to the collegiate style in its design and plan form, as well as a relatively late use of Scots Baronial details. It has a good quality decorative scheme to the interior, with oak panelling to the principal public rooms and some stained glass windows. With the exception of the non-traditional replacement of many of the windows, the building remains largely unaltered to the exterior and interior since the east wing was added in 1950.

HES may not list a building which is subject to a current planning application which affects the character of the building and therefore the listing process has not progressed any further. It is therefore the case that the building has no

protection over & above any other building on the site and could be demolished without the consent of the planning authority.

The Rowett North Masterplan document was approved by the Communities, Housing and Infrastructure Committee on 27th October. This shows the Rowett North site being entirely cleared of buildings in order to accommodate the new AECC and associated development. The proposal shown in this application is consistent with the masterplan in this regard and therefore further consideration of whether or not any buildings should remain would be unreasonable. Notwithstanding, due to the strong level of objection received on this particular matter, it is considered appropriate to briefly summarise the reasons behind the decision accept the loss of Strathcona House.

During the early design stages of the development it was thought that Strathcona House could be used for events alongside the AECC or perhaps a complementary use such as a small hotel or events venue. The developer however was unable to identify a suitable use or an operator that considered its reuse to be a viable option. Furthermore and perhaps more significantly, the design brief for the AECC has evolved over time and become significantly larger. This has resulted in the exhibition halls and support areas being located on the foot print of Strathcona House, therefore requiring its removal. These changes were required in order to improve operational efficiency and ensure different elements of the AECC could be used simultaneously. Alternative options were explored however the possibility of moving the AECC building to any significant degree is severely limited due to height limitations associated with the airport.

Therefore if Strathcona House, or indeed any of the other significant buildings on site, were to be retained, the operational capability of the new AECC would be considerably reduced. Given the ambition to create a nationally and internationally recognised venue which meets the requirements of exhibitors and performers and which has the flexibility to host a range of events simultaneously, it is considered that the unfortunate loss of Strathcona House and other significant buildings on site are essential to the potential success of the development.

Policy D4 (Aberdeen's Granite Heritage) encourages the retention of granite buildings throughout the city, even if not listed or in a conservation area. The policy goes on to say that the conversion and adaptation of redundant granite buildings will be favoured.

Seven of the buildings are of granite construction and stone and the developer has identified elements from these buildings and Strathcona House which could be reused in the new development. This would include the reuse of –

- sandstone and decorative elements from Strathcona House to construct the culvert over the realigned burn;
- the granite pediment above the entrance to the Reid Library as a focal point within the landscaping;
- the feature stone signage from the Boyd Orr Building within the landscaping;

- a mill-stone as a feature within the burn corridor landscaping;
- the granite from Bridgefoot Cottage, Cuthbertson Building and Leitch Building to construct the walls of the Energy Centre;
- and the replanting in the burn corridor of a memorial rose garden and tree.

The potential uses for granite from other farm buildings are still under consideration. It is felt that the above would meet the requirements of Policy D4 (Aberdeen's Granite Heritage). The site waste management plan would also ensure that all other less significant and suitable materials from the demolition and earthworks would be reused.

In the wider context, the ES has also concluded that nine of the cultural assets located off-site, such as march stones and scheduled monuments, would experience a 'moderate adverse' effect, a further ten would experience a 'minor adverse' effect, and eight assets would experience a 'negligible' effect. Suitable landscaping of the site would help minimise the visual impact of the development when seen from outwith the site.

Traffic, Transportation and Access

Environmental Impact

The potential environmental impacts of the proposed development on traffic, transportation and access, which also considers the potential construction and operational effects of the proposed development on the transport network has been undertaken. The assessment considers the public road network in the vicinity of the proposed development which would be most commonly used for access by traffic generated by the development, namely the A96, Inverurie Road, Dyce Drive and Wellheads Drive.

The effects from construction phase traffic are unlikely to be as significant as those arising from the operational phase. Temporary effects relating to general construction traffic would be minimised through the implementation of a locally focused Construction Traffic Management Plan (CTMP). The CTMP would promote the safe and efficient transportation of components, materials and staff to site and reduce the likelihood of adverse impacts including driver delay and impacts upon surrounding communities.

The traffic estimated to be generated by the proposed development during the operational phase has been assessed in isolation, as well as cumulatively with other planned and committed developments in the area.

As mitigation, an extensive range of major road network interventions in the Dyce and Newhills area is currently being considered by the Council and would deliver sufficient network capacity to mitigate higher future year traffic flows, resulting from both AECC and other planned and committed developments. The increase in traffic resulting from phase 1 and 2 would not result in significant impacts on the road network once the proposed mitigation is in place. The largest impact would be on Dyce Drive, south of the proposed main access, as this section of

road is used by traffic travelling between the Aberdeen Western Peripheral Route (AWPR) and the site.

It is also intended to prepare and implement a Travel Plan to promote sustainable transport modes and encourage modal shift to reduce vehicular transport associated with the development.

Separately from the ES, a transport assessment has been carried out to consider the traffic, access and transport issues, identify measures to improve accessibility and to recommend appropriate mitigation to accommodate traffic.

Site Access and Traffic Impact

Three external access junctions are proposed, these being: a signalised junction at Dyce Drive; a left in/ left out arrangement on the A96, potentially with a bus gate to allow right turning buses from the city; and finally a signalised junction at Wellheads Drive. Junction analysis shows that all three junctions would operate satisfactorily. The operation of internal junctions within the site has also been assessed and these would also operate satisfactorily although the detailed design would be audited at roads construction consent (RCC) stage.

The number of vehicle trips associated with the existing Rowett Institute use has been compared against those expected for phase one of the new development (AECC, two hotels, energy centre and AD plant). The conclusion is that the existing use generates slightly more traffic than the proposed early stages of development and would result in no net detriment to the surrounding road network. Therefore financial contributions towards STF for the phase one buildings are not required. The phase two development (offices and leisure space) would be required to make contributions. The final sums would be calculated at the point developments are brought forward through MSC applications (*issue 20*).

Aberdeen City Council intend on carrying out significant interventions to the roads network in the Dyce Drive and A96 area. This includes a grade separated junction at the A96/Dyce Drive roundabout, the dualling of Dyce Drive and other interventions at junctions in the Dyce area. Developments which would add traffic to the network are expected to contribute towards the cost of these interventions. The contributions are calculated on a per peak hour trip basis and have been agreed with the developer. This payment would also be secured by a legal agreement on similar terms to the STF payment (*issue 20*).

The maintenance and operation of the A96 is expected to transfer from Transport Scotland to ACC when the road is de-trunked in 2018. This is highlighted by the Roads Development Management Team and a condition requested that the access into the site from the A96 is not constructed until the detrunking occurs. Notwithstanding, it has been agreed that a condition requiring the developer to agree the A96 junction with the relevant authority, either ACC Roads or Transport Scotland depending on whether the road is still a trunk road, would be preferable. This has been agreed with Transport Scotland.

Public Transport

There are several bus routes in close proximity to the site, with the closets on the A96 and Dyce Drive. These include local services (First Group) and longer route services (Stagecoach) to Aberdeenshire and those further afield including Elgin and Inverness. Routes between the city centre and airport and Dyce railway station to the airport also pass the site.

Initial discussions between the developer and public transport operators have taken place with a view to extending services through the development, however at this stage no firm proposals have been agreed. Ultimately the decision is a commercial one for bus operators, but in order to facilitate this, the main road through the development would be designed to be capable of accommodating buses. A condition has been attached which requires a public transport strategy to be submitted prior to occupation of the first building. The strategy is expected to include plans for new or extended bus services and their phased implementation and could include the developer subsidising services.

Separate from regular service buses, consideration has been given to the provision of so called 'Gig and Go' services during major events, the same as provided at the current AECC in Bridge of Don. Designated parking and drop-off areas close to the AECC building would be provided for such buses.

Four bus stops outwith the site would be upgraded and a pedestrian crossing provided on Wellheads Drive to ensure those using the bus stop located there can safely get to the AECC site.

Parking

Each element of the development would have parking associated with it. Although the maximum parking standards are proposed by the developer, there is the potential for parking to be shared between uses in order to minimise the amount of land required for parking and make more efficient use of space. Furthermore, it has been demonstrated through the various applications for hotels in the Dyce area over recent years that the maximum rate of 1 parking space per bedroom is not required and that 0.6 spaces per bedroom is more suited to this area. Anything more than this would result in overprovision of parking and see large areas not utilised during expected operating conditions. A condition will be attached restricting the hotel developments to 0.6 space per bedroom, although this can be further controlled through matters specified in conditions applications.

The detailed parking arrangements would come forward in matters specified in conditions applications.

A condition should be attached which requires the applicant to submit a parking management plan, which should be approved by ACC, before the opening of any part of the development. This should have a focus on minimising the number of

spaces provided across the site and maximising space utilisation, through shared use between different elements of the overall operation (such as between hotels and office uses where peak uses are at different times). All to maximise the sustainable credentials of the proposals. Travel planning will also be required which should consider how the shift towards sustainable transport modes would be achieved.

Noise and Vibration

A baseline noise survey was carried out in order to quantify the existing noise levels at the site and the noise data collected has been used to inform the noise impact assessment. Overall noise levels are dominated by aircraft and as a consequence, new buildings on the site would require high levels of sound insulation in order to achieve suitable internal noise standards but also to minimise noise from amplified music events disturbing nearby noise sensitive buildings such as hotels and nearby residential areas.

Much of the AECC arena space will be buffered from the outside by spaces for building plant and ancillary areas; however the required sound insulation values for the roof and walls (which are not buffered in this way) have been identified along with the sound insulation requirements of the other proposed components of the masterplan, such as hotels and offices.

Road traffic noise, due both to new roads, and increases in flow on existing roads, has been modelled using traffic flow data provided for future years (2018 and 2023) with and without the proposed AECC development. At Greenburn Road to the northwest, and at Forrit Brae to the southwest, the noise impact is predicted to be no more than of 'minor adverse' significance. At other locations to the southeast, east, and northeast, no adverse noise impact is predicted.

Noise levels from loading bays and from car parking activities have been assessed, and due to the distances between these activities and the nearest noise sensitive receptors, they are predicted to have no adverse impact. Noise from plant, particularly from the anaerobic digestion (AD) facility, which is to be in close proximity to existing residential dwellings, has been considered, and suitable noise limits for the AD plant and energy centre are predicted.

Building services noise limits are proposed for all new buildings on the site. However, due to the long distances between the new buildings and existing residential dwellings, controlling the noise so that it is not unduly loud at car parks and external amenity areas on the AECC site will be the overriding requirement.

A number of recommendations are made in regards to the construction of buildings to provide adequate noise insulation and in terms of providing buffers and noise barriers between particular uses and residential properties. The details of these would be subject to conditions.

Construction noise and vibration would be controlled through requirements specified in the CEMP, and will be the role of the appointed contractor to manage and an Environmental Clerk of Works to monitor.

Air Quality

The ES undertook a review of air quality legislation and planning policy, along with a baseline assessment describing the current air quality conditions in the vicinity of the proposed development, including a monitoring survey, and an assessment of air quality impacts associated with traffic generated by the scheme.

There is the potential for dust to be generated during construction activities and it was concluded that with appropriate mitigation measures such as dust suppression techniques and the use of the CEMP to manage construction works, there is likely to be a low risk for significant effects to dust settling and human health.

Roads to the site are located within a Air Quality Management Area (AQMA), designated because the relevant air quality standard for annual mean nitrogen dioxide concentrations is exceeded. Modelling has been carried out and the impact significance was assessed as negligible at all receptor locations. As such, the predicted air quality effects from construction and operation of the proposed development are not predicted to be significant.

The Councils Environmental Health service has reviewed the air quality assessment and recommended that the developer is required to submit details of mitigation measures to minimise traffic (particularly at peak times when congestion is most likely) and wider air quality impacts. This has been covered to a certain extent already by the public transport measures proposed in the transport assessment, such as the use of 'gig-and-go' buses during large events. A condition would also be attached requiring a travel plan to be submitted.

A condition would also be attached requiring a Dust Management Plan to be implemented.

Residential Amenity

There are several residential properties in the vicinity of the site. These comprise nine dwellinghouses on Walton Road, immediately to the north of the western most part of the site. They would be approximately 20m to the north and sit at a higher level than the proposed main access road from Wellheads Drive. The amenity of these properties is not expected to be unacceptably affected by the development, subject to the controls discussed earlier in this report - such as noise insulation for the AECC building.

Six further dwellings are located near the junction between Market Street and Greenburn Road North, south of the AD plant. These properties would essentially be surrounded by the wider development but would be particularly close to the

proposed AD plant. The detailed design and layout of the AD plant would be determined at the matters specified in conditions stage to ensure an appropriate layout.

The facility is likely to be licensed by SEPA under pollution prevention and control regulations, however there is still the potential that neighbouring properties are affected by of odour from the facility. In order to minimise this risk, all feed stocks for the facility would be pre-processed off site. Food waste and other separately collected biodegradable material would be processed off-site to produce a nutrient rich slurry which will be delivered inside the reception building by tanker. The AD plant would hold a small amount (2 to 3 day supply) of bulk silage within the reception building which would operate a negative pressure space in order to retain any odours within the building. There would be no open stores of either silage or food waste on the site and all tanks would be air tight, not only to stop odour release but also as an operational requirement. A condition would be attached requiring a detailed scheme for the control of odour to be submitted for review.

It is anticipated that the only significant noise sources from the AD facility would be that associated with the vehicles coming and going. Notwithstanding, due to the industrial nature of the facility, a condition has been attached requiring a noise assessment to be submitted and any required mitigation measures to be implemented.

Aviation Safeguarding and Public Safety

Public Safety Zone

Aberdeen International Airport is located to the north of the development, across Wellheads Drive. The flight path and associated public safety zone (PSZ) for runway 34 cross the eastern portion of the site in a north / south direction.

PSZs are areas of land at the ends of airport runways within which development is restricted in order to control the number of people on the ground at risk of death or injury in the event of an aircraft accident on take-off or landing. There is a general presumption against new or replacement development, or changes of use of existing buildings, within a PSZ. However there are certain exemptions one of which includes *“long stay and employee car parking (where the minimum stay is expected to be in excess of six hours)”*.

The masterplan for the Rowett North sites shows that the part of the site within the runway 34 PSZ would be an overspill car park which is only expected to be used when the subterranean and the surface car parks are full. This is expected to be during larger conferences which are anticipated to occur on a fairly limited number of times per year. It is also likely that vehicles would be parked there for long periods throughout the day. It is considered that the proposed car park use within the PSZ is likely acceptable and broadly consistent with the aims of PSZs, to control the risk the public are exposed to. It is proposed to attach a condition

limiting the use of the land within the PSZ to ensure it is not used for activities such as temporary exhibition space or other activities which would attract large numbers of people. The need for these temporary arrangements within the PSZ may also be reduced or removed, if the aforementioned 'shared parking' principles are significantly adopted, maximising the use of each space across the site.

Safeguarding of Aberdeen International Airport

The proposed development has been examined from a safeguarding perspective by Aberdeen International Airport and it has been determined that the development could potentially conflict with safeguarding criteria. Therefore several conditions have been attached relating to submission of bird hazard management plans, drainage, external lighting and landscaping schemes.

Safeguarding of Perwinnes Radar

The site is within the safeguarding zone of the NATS operated Perwinnes Radar, which is located some 3.9km to the north east. All MSC applications, which propose development above ground level will require to be referred to NATS for comments, which may result in developers being required to agree mitigation packages with NATS prior to planning permission being granted. A condition and informative note has been attached to this planning permission in order to highlight this matter and encourage early contact with NATS.

In accordance with Policy BI5, due consideration has been given to the use proposed within the public safety zone and the safeguarding of both the airport and Perwinnes radar. The concerns raised in representations (*issue 16*) with regards to air safety are considered to have been addressed.

Major Accident Hazard Establishments

The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 specifies that where hazardous substances are present at or above controlled quantities a hazardous substance consent is required from the planning authority. Although methane gas which is classified as flammable would be present at the site, it would be below the controlled quantity and therefore no hazardous substances consent or consultation with the Health and Safety Executive for this application would be required.

Developer Contributions

Contributions in relation to the road network have been dealt with earlier in the report. The only other contributions considered applicable, were those relating the upgrading of core paths within the area. However the development itself proposes improvements to core path 4 and the provision of an extensive network of public paths throughout the site. Therefore as a result of the improvements the development itself would deliver, no contributions towards core paths are required.

Time Periods

The planning authority has powers to direct that the duration of consent granted may differ from the usual periods stated in legislation, which is 3 years from the grant of Planning Permission in Principle. In this instance, the scale of the business and leisure uses proposed is considerable and it has been suggested that these elements would not be constructed until between 2019 and 2028. The scale of the development and suggested timescales is such that it is clear that there is reasonable justification to deviate from the usual periods. It is therefore considered appropriate to grant a period of 10 years and a direction reflecting this would be attached to the grant of planning permission in principle.

Matters Raised in Representations Not Already Addressed

- Concern is raised with the loss of the Bankhead allotments, located in the north east corner of the site and within the planning application boundary (*issue 12*). There are no proposals as part of this development that would result in the loss of the allotments. However the approved masterplan safeguards an area of land, which includes the allotments, for a potential rail spur from the Aberdeen to Inverness railway line. The spur could potentially serve the AECC development and Aberdeen International Airport. At present the rail link is not identified in the local development plan and does not have any kind of funding or consent in place. The land has simply been safeguarded in order that the option to provide the rail spur is available if there is the desire to do so. Any alternative allotment provision would be examined if and when plans for a rail spur were developed.
- The decision to relocate the Rowett Institute of Nutrition and Health from Rowett North to Foresterhill was a decision taken by the University of Aberdeen and is not a material planning consideration (*issue 19*). Any resultant impacts on services at Aberdeen Royal Infirmary are operational issues for the NHS and University of Aberdeen.
- The decisions made around the progression or funding of the ‘AECC Evolves’ project are not material planning considerations (*issue 21*).

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council’s settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether these matters have been subject to representation and is regarded as an unresolved issue to be determined at the examination, and the relevance of these matters to the application under consideration. Policies and proposals which have not been subject to objection will not be considered at

examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to examination.

The foregoing can only be assessed on a case by case basis and in relation to this particular application, no objections to the Rowett North allocation in the Proposed ALDP have been received and therefore the allocation will be adopted without modification on formal adoption of the Proposed ALDP. Other relevant policies largely reiterate existing policies and do not significantly change the assessment of the proposal. Policy T5 (Noise) is a new policy and the issues it relates to have been covered by the noise section of the ES. Policy CI1 (Digital Infrastructure) is subject to objection in the Proposed ALDP and therefore carries little weight.

RECOMMENDATION: Willingness to Approve subject to conditions and the registering of a section 75 legal agreement to secure financial contributions towards (i) local road network improvements and (ii) the Strategic Transport Fund.

REASONS FOR RECOMMENDATION

Conclusion and Reason for the Recommendation

The proposed development represents a departure from Policy LR1 of the Aberdeen Local Development Plan, in that it proposes assembly and leisure use rather than wholly business use. Planning legislation requires that the application be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The proposal has been assessed both in terms of the site specific issues and its impact on the wider area.

Notwithstanding the provisions of the development plan, there are material considerations why the proposed development is regarded as being acceptable at this site. These are that the site is already zoned for development, there would be a significant level of business use included within site as per the masterplan layout and finally the Proposed Aberdeen Local Development Plan proposes that the site is zoned for specialist employment use, specifically identifying the site for the relocation of the AECC. No representations were received on the Rowett North allocation in relation to that emerging LDP and therefore assuming the plan is adopted, the allocation will remain. The Councils latest position on the future development of the site is therefore that it is appropriate for the new AECC.

The Environmental Statement ('ES') has been prepared and explains the process of compiling, evaluating and presenting all of the significant environmental impacts of the proposed development, leading to the identification and incorporation of appropriate mitigation measures. The assessment of the ES by ACC officers concluded that despite some omissions the submitted ES is considered to be sufficient in setting out the likely environmental effects of the

development, and demonstrating that the severity of such impacts is not likely to be so significantly adverse as to warrant the refusal of this application. Where effects are likely, and when appropriate, mitigation measures can be provided and would be subject of planning conditions.

The approved Rowett North Master plan recognises the significant potential a AECC and associated development would bring: including significant economic, social and cultural benefits to the whole community of Aberdeen and the North East of Scotland. It would bring significant long term benefits to the economy of Aberdeen, in particular through the potential to attract larger major events and performers. SPP advises that planning authorities should proactively support sustainable economic growth and take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals. In addition to the quality of the facilities within the AECC, the proposed development would also provide substantial areas of publicly available open space and include the diversion and improvement of the burns running through the site.

The strong feeling against the removal of Strathcona House and its undoubted historic significant is acknowledged, however if Strathcona House, or indeed any of the other significant buildings on site, were to be retained, the operational capability of the new AECC would be considerably reduced. Given the ambition to create a nationally and internationally recognised venue which meets the requirements of exhibitors and performers and which has the flexibility to host a range of events simultaneously, it is considered that the unfortunate loss of Strathcona House and other significant buildings on site are essential to the potential success of the development. This approach would be consistent with the approved Rowett North Masterplan. Stone from the demolished buildings would be reused for elements of the new development, including the proposed culvert over the realigned burn and for features within the landscaping scheme.

As such, it is considered that notwithstanding the conflict with the land use zoning for the site, the development complies with and supports other provisions within the development plan and would generate economic, social and cultural benefits for the whole of the North East of Scotland and therefore should be supported.

CONDITIONS

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

(1) FLOOR SPACE RESTRICTION

That unless otherwise agreed in writing by the planning the land uses (where relevant as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997 and any subsequent amending legislation) within the development shall not exceed the following values –

- Exhibition, conference & concert venue space including ancillary uses – 45,000sqm;
- Class 4 (Business) – 61,515sqm;
- Class 7 (Hotels and Hostels) – 500 guest bed rooms; and
- Class 11 (Assembly and Leisure) – 6,000sqm.

– in order to ensure that the scale of development does not exceed that assessed by the submitted transport assessment and to ensure that the scale of development is commensurate with the transport infrastructure required to mitigate the impact of the development.

(2) WATERCOURSES AND FLOOD RISK

No development shall take place unless a matters specified in conditions application comprising a detailing scheme for the protection and enhancement of the water environment has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme shall include full design details of (i) the diversion and realignment of watercourses within the site; (ii) engineering activities in the water environment, including the location and type of any proposed watercourse crossings and culverts; and (iii) hydraulic modelling to support the design details.

No development shall take place within the 1 in 200 year plus climate change functional flood plain.

Thereafter all works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

Reason – in order to protect and improve the water environment and to protect people and property from flood risk.

(3) SURFACE WATER DRAINAGE

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a detailed scheme for surface water drainage for that particular phase or block has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme shall (i) detail two levels of sustainable drainage (SUDS) treatment (or three levels for industrial hardstanding areas) for all areas roads / hardstanding / car parking and one level of SUDS treatment for roof run-off; (ii) include source control; (iii) shall be developed in accordance with the technical guidance contained in the SUDS Manual (C753); and (iv) shall provide details of bird deterrent measures. Thereafter development shall be implemented in accordance with the agreed scheme.

Reason – in order (i) to ensure adequate protection of the water environment from surface water run-off and (ii) avoid endangering the safe operation of aircraft through the attraction of birds.

(4) WASTE WATER CONNECTIONS

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme for the connection of buildings to the public waste water system for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public waste water system are in place. Thereafter no building shall be occupied unless connection has been made to the public waste water network in accordance with the approved details.

Reason – in order to ensure that sewage is satisfactorily treated and disposed of.

(5) CONTAMINATED LAND

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme to deal with any contamination (biological, chemical or radiological) on or within the land forming that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 (Investigation of Potentially Contaminated Sites – Code of Practice) and other best practice guidance and include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

In relation to radioactive contamination, it must be ensured that any doses from residual contamination are as low as reasonably achievable and in any case, prior the commencement of development on site, be below a level of 0.3 mSv as specified in the Radioactive Substances (Basic Safety Standards) (Scotland) Direction 2000.

Thereafter no building within the particular phase or block shall be occupied unless for that building (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and (ii) a report specifically relating to the building has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final buildings within the particular phase or block shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies the completion of the remedial works for the entire phase or block, unless the planning authority has given written consent for a variation.

Reason – to ensure that issues relating to the presence of radioactive wastes have been addressed, that the site is suitable for its proposed use and to protect human health and the environment during necessary construction works.

(6) SUBMISSION OF SITE LEVEL DETAILS

That no development (including site stripping, service provision or establishment of site compounds) shall take place unless a matters specified in conditions application showing details (including cross sections) of the existing and finished site levels throughout the site and any proposed retaining structures have been submitted to and approved in writing by the planning authority – in order to ensure that the development is satisfactorily integrated into the surrounding area.

(7) ARCHAEOLOGICAL WORK SCHEME

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a matters specified in conditions application comprising the implementation of a programme of archaeological works in accordance with a written scheme of investigation has been submitted to and agreed by the Aberdeenshire Council Archaeology Service, and approved in writing by the Planning Authority.

Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the planning authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason – in order to safeguard and record the archaeological and historic features of the area.

(8) RECORDING OF FARM BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a building survey of all existing buildings within that particular phase or block has been submitted to and approved in writing by the planning authority. The survey shall comprise a descriptive and photographic record of the building and a plan annotating any features of architectural or historic interest to at least to the standard of a level 2 English Heritage building survey and on completion shall be deposited with the local sites and monuments record.

Reason – in order to ensure that a historic record of buildings on the site is undertaken prior to demolition.

(9) OTTER PROTECTION PLAN

No development within any particular phase or block (including site stripping, service provision or establishment of site compounds) shall take place unless a matters specified in conditions application comprising an otter protection plan has been submitted to and approved in writing by the planning authority. The protection plan must include the measures required to mitigate, compensate and avoiding impacts on otters during development in accordance with Scottish Natural Heritage best practice guidance. Thereafter development shall be undertaken in accordance with the approved plan.

Reason – in order to mitigate any potential impact on European protected species.

(10) BAT PROTECTION PLAN

No development within any particular phase or block (including site stripping, service provision or establishment of site compounds) shall take place unless a matters specified in conditions application comprising a bat protection plan has been submitted to and approved in writing by the planning authority. The protection plan must include the measures required to mitigate, compensate and avoiding impacts on bats during development in accordance with Scottish Natural Heritage best practice guidance. Thereafter development shall be undertaken in accordance with the approved plan.

Reason – in order to mitigate any potential impact on European protected species.

(11) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular phase or block has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP must address (i) surface water management; (ii) watercourse engineering; and (iii) pollution prevention. Thereafter development shall be undertaken in accordance with the approved CEMP.

Reason – in order to minimise the impacts of necessary demolition / construction works on the environment.

(12) SITE WASTE MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a matters specified in conditions application comprising a site specific site waste management plan (SWMP) for that particular phase or block has been submitted

to and approved in writing by the planning authority in consultation with SEPA. The SWMP must set out how demolition and construction waste associated with the application site shall be minimised, stored, reused and disposed of. Thereafter development shall be undertaken in accordance with the approved SWMP.

Reason: In order to improve materials resource efficiency and ensure the appropriate management and disposal of waste form development sites.

(13) DUST MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a matters specified in conditions application comprising a Dust Management Plan for that particular phase or block has been submitted to and approved in writing by the planning authority. The management plan shall specify dust mitigation measures and controls, responsibilities and any proposed monitoring regime. Thereafter development (including demolition) of each phase or block shall be undertaken in accordance with the approved plan.

Reason – in order to control air pollution from dust associated with the construction of the development.

(14) BIRD HAZARD MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a bird hazard management plan for that particular phase or block has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of the management of potential bird attractants which may be attractive to nesting, roosting and "loafing" birds, and the measures in place to implement removal of birds/eggs/nests if deemed necessary. Thereafter the agreed measures shall be implemented in full for the lifetime of the development unless otherwise agreed in writing by the planning authority in consultation with Aberdeen International Airport.

Reason – to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds.

(15) PERWINNES RADAR SAFEGUARDING

No development within any particular phase or block shall take place, unless there has been submitted to and approved in writing by the planning authority in consultation with the radar operator (NATS (En-route) plc), for that particular phase or block either (i) detailed plans including grid coordinates and spot heights for all corners of the proposed buildings in that individual phase, demonstrating that there would be no detrimental impact upon the operation of the Perwinnes Radar; or (ii) details of a scheme to mitigate any detrimental impact upon the operation of the Perwinnes Radar. Thereafter, development

shall take place in complete accordance with such a scheme as so approved unless the planning authority and NATS (En-route) plc have given written consent for a variation.

Reason – in the interests of aircraft safety.

(16) GREEN TRAVEL PLAN

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a green travel for that particular phase or block has been submitted to and approved in writing by the planning authority. Each Travel Plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

Reason – in order to reduce dependency on the private car for travel.

(17) DESIGN AND LAYOUT OF ROADS, PATHS AND BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising the detailed layout and design of roads, buildings and other structures for that particular phase or block has been submitted to and approved in writing by the planning authority. The application shall comprise –

- i) details of existing and proposed site levels (including cross sections);
- ii) details of the layout and finish of roads, footpaths and cycle paths;
- iii) details of layout, design and external appearance of –
 - buildings and ancillary structures;
 - vehicular and motorcycle parking;
 - short and long term secure cycle parking;
 - storage and collection arrangements for waste and recyclables;
 - boundary enclosures (walls, fences, gates);

Thereafter the development shall be implemented in accordance with the approved details.

Reason – in order to ensure a satisfactory layout and design of the development and ensure provision of a suitable level of parking.

(18) NOISE MITIGATION SCHEME FOR NEW BUILDINGS

No development within any particular phase or block which includes hotel or office use shall take place unless a matters specified in conditions application comprising a scheme of measures for the protection of hotel and office occupants from road traffic and aircraft noise for that particular phase or block, has been submitted to and approved in writing by the planning authority. Thereafter no hotel or office building shall be occupied unless the mitigation measures relevant

to that particular building have been implemented in accordance with the agreed scheme.

Reason – in order to ensure that occupants of buildings with a noise sensitive use are adequately protected from excessive noise levels.

(19) NOISE MITIGATION SCHEME TO PROTECT EXISTING RESIDENTS

No development within any particular phase or block shall take place unless a detailed noise impact assessment (NIA) examining the likely noise impact on residential properties in the vicinity of the development has been submitted to and approved in writing by the planning authority. The NIA shall be carried out by a suitably qualified independent noise consultant and be undertaken in accordance with Planning Advice Note 1/2011 (Planning and Noise). The scope of the NIA should be agreed with the Council's Environmental Health service prior to it being carried.

Thereafter any uses identified as requiring noise mitigation shall not be brought into use unless any noise attenuation measures identified by the NIA which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area have been installed.

Reason – in order to ensure that any noise from the premises is adequately mitigated and the amenity of residents and businesses in the area is maintained.

(20) LOW AND ZERO CARBON BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance for the buildings within that particular phase or block has been submitted to and approved in writing by the planning authority. Thereafter, each building shall not be occupied unless the approved measures have been implemented in full and are available for use.

Reason – in order to ensure that the development complies with the 'Low and Zero Carbon Buildings' Supplementary Guidance.

(21) LANDSCAPING

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme of hard and soft landscaping covering all areas of public and private open/green space for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

- a) Existing and proposed finished ground levels;
- b) Existing and proposed services and utilities including cables, pipelines and substations;

- c) Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting;
- d) location, design and materials of walls, fences, gates and street furniture;
- e) arrangements for the management and maintenance of existing and proposed open space, woodland and landscaped areas including watercourse buffer strips;
- f) proposed hard surface finishing materials; and
- g) street furniture

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – in order to integrate the development into the surrounding landscape, increasing the biodiversity value of the site and creating a suitable environment for future residents.

(22) PUBLIC ART STRATEGY

That no phase or block shall be brought into use unless (i) a matters specified in conditions application comprising a scheme of public art for that particular phase or block shall be submitted to and approved in writing by the planning authority; and (ii) the approved scheme of public art has been implemented.

The strategy shall include details of where stone and any features of architectural or historic interest existing within the site are to be used within the finished development.

Reason – in ensure a high quality public realm for the development.

(23) BUS STOP IMPROVEMENTS / PEDESTRIAN CROSSING

No phase or block shall be occupied unless a matters specified in conditions application comprising a scheme for the improvement of the existing bus stops at the following locations has been submitted to and approved by the planning authority and thereafter the bus stops have been upgraded in accordance with the approved details.

- a) on the north side of the A96, 80m east of the junction with Greenburn Road;
- b) on the south side of the A96, opposite the junction with Greenburn Road;
- c) on the north side of the A96, 100m east of the junction with Dyce Drive; and
- d) on the west side of Dyce Drive, 145m north of the junction with the A96.

The said scheme should consider the provision of bus shelters, real-time information displays, timetables, lighting, boarding kerbs, and road markings at each bus stop, taking into account the locational characteristics of each stop. A signalised pedestrian crossing must be provided on Dyce Drive to allow pedestrians to cross from bus stop 'd' (identified above) to the application site.

Reason – in order to encourage the use of public transport to the site and ensure the safety of pedestrians.

(24) EXTERNAL LIGHTING

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising details of the external lighting for that particular phase or block has been submitted to and approved in writing by the planning authority after consultation with Transport Scotland, as the trunk roads authority. Thereafter the external lighting shall be implemented in accordance with the approved details.

Reason – in order to (i) ensure that there will be no distraction or dazzle on the trunk road and that the safe o the traffic on the trunk road will not be diminished and to ensure the safeguarding of Aberdeen International Airport and (ii) mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

(25) VEHICULAR ACCESS AND PARKING MANAGEMENT PLAN

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a vehicular access and parking management plan has been submitted to and approved in writing by the planning authority. The plan shall include details how different modes of transport will access, move through and leave the site, specifically in relation to –

- a) Access, egress and drop-off points for Gig and Go buses;
- b) Access, egress and drop-off points for service buses;
- c) Access, egress and drop-off points for private coaches;
- d) Access, egress and drop-off points for taxis;
- e) Access, egress and parking for private cars;
- f) Bus gates and any other restrictive measures controlling access to the site;
- g) The sharing of parking facilities between different uses at different times, to ensure maximisation of use of each space and that a 'whole site' managed approach is taken; and
- h) The routes which different types of traffic would take at different times.

Parking associated with hotel use shall be at a rate of 0.6 spaces per bedroom.

Reason – in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(26) PUBLIC TRANSPORT STRATEGY

No part of the development shall be occupied unless a matters specified in conditions application comprising a public transport strategy for the whole development has been submitted to and approved in writing by the planning authority. The strategy shall include proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased implementation of the strategy. Thereafter the agreed strategy shall be implemented as approved, unless otherwise agreed in writing by the planning authority.

Reason – in the interests of encouraging the use of public transport and reducing reliance on the use of private cars

(27) PROVISION OF VEHICULAR ACCESS (DYCE DRIVE)

No development shall take unless a matters specified in conditions application comprising detailed design for the proposed access road junction at Dyce Drive, has been submitted to and approved in writing by the planning authority.

The designs must be supported by traffic modelling, a written rationale for the design options chosen and make reference to the vehicular access and parking management plan. The Dyce Drive junction shall be subject of testing using a TRANSYT model which has been produced for junctions affecting the AWPR. The results of such testing shall be submitted as part of this condition for review.

Thereafter no building shall be occupied unless each of the junctions has been constructed in accordance with the approved details, unless otherwise agreed in writing by the planning authority.

Reason – in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(28) PROVISION OF VEHICULAR ACCESS (WELLHEADS DRIVE)

No development shall take unless a matters specified in conditions application comprising detailed design for the proposed access road junction at Dyce Drive, has been submitted to and approved in writing by the planning authority.

The designs must be supported by traffic modelling, a written rationale for the design options chosen and make reference to the vehicular access and parking management plan.

Thereafter no building shall be occupied unless each of the junctions has been constructed in accordance with the approved details, unless otherwise agreed in writing by the planning authority.

Reason – in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(29) PROVISION OF VEHICULAR ACCESS (A96)

No development shall take place unless a matters specified in conditions application comprising detailed design for the proposed A96 access road junctions has been submitted to and approved in writing by the planning authority in consultation with either the ACC acting as roads authority or in the case of the A96 junction still being designated as a trunk road at that time, Transport Scotland. Thereafter no building shall be occupied unless the junctions has been constructed in accordance with the approved details.

Reason – To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

(30) TRUNK ROAD BOUNDARY TREATMENT

Prior to commencement of development a barrier / fence of a type to be agreed by the planning authority in consultation with Transport Scotland shall be erected along the boundary of the application site with the A96.

Reason – To ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

(31) OUTDOOR CATERING RESTRICTION & BINS

(i) No outdoor catering facilities (such as hot food vans, street food vendors or BBQ's) shall be permitted to operate within the site boundary.

(ii) All waste generated by the site shall either be stored internally within buildings or within containers fitted with lids which prevent birds from accessing waste.

Reason – in order to avoid endangering the safe operation of aircraft through the attraction of birds.

(32) DYCE DRIVE CORIDOOOR MITIGATION SCHEME

Unless otherwise agreed with the Planning Authority, in consultation with Transport Scotland, no development beyond the AECC building and attached hotels (350 beds maximum), energy centre and anaerobic digestion plant shall be occupied until such time as the mechanism and programme for the delivery of Aberdeen City Councils Dyce Corridor mitigation package has been agreed by the Planning Authority in consultation with Transport Scotland. Where phased delivery of the infrastructure package is proposed, the programme shall also identify phases of development that shall be permitted to proceed in advance of each stage of the infrastructure package. Unless otherwise agreed in writing by the Planning Authority in consultation with Transport Scotland, development shall only be permitted to proceed in accordance with the agreed phasing plan.

Reason – To ensure that the scale of development is commensurate to the proposed infrastructure improvements and does not adversely affect the safe and efficient operation of the trunk road network.

(33) AD PLANT – ODOUR CONTROL

No development associated with the anaerobic digestion plant shall take place unless a matters specified in conditions application comprising a scheme for the control of any odours generated by the operation of the plant has been submitted to and approved in writing by the planning authority. Thereafter the plant shall not become operational unless the scheme has been implemented.

Reason – In order to protect residential properties from odour.

DIRECTION UNDER SECTION 59(5) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

That in accordance with the power granted to it under section 59(5) the planning authority hereby direct that section 59(2)(a)(i) shall apply in respect to this planning permission in principle with the substitution of the period of 3 years with that of 10 years, as is considered appropriate by the planning authority in this instance on the basis of the scale and size of the allocation. Therefore this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all conditions attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following;

- (i) the expiration of 10 years from the date of this grant of planning permission in principle;
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

INFORMATIVE NOTES

DURATION OF PLANNING PERMISSION

That this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.

SAFEGUARDING OF NATS PERWINNES RADAR

Developers and applicants are advised that the application site is within the safeguarding zone of Perwinnes Radar Installation, operated by NATS En-Route Ltd. On receipt of an application for matters specified in conditions (MSC) related to this grant of planning permission in principle (PPIP), the planning authority will consult NATS to determine if proposed buildings and structures would have an adverse impact upon the operation of the radar installation and if mitigation to any impact is possible. If an unacceptable impact and a viable mitigation is identified, the developer will be expected to agree with NATS a mitigation package prior to determination of an application.

The planning authority strongly suggests that prior to submission of an application, early dialogue with NATS is undertaken to find a solution to any impact a development may have on the radar. NATS provide a technical consultancy service to developers wishing to enter into pre-application discussions and further information can be obtained from the NATS Safeguarding Office at NATSSafeguarding@nats.co.uk.

SAFEGUARDING OF ABERDEEN INTERNATIONAL AIRPORT

Developers and applicants are advised that the application site is located underneath the safety surface of Aberdeen International Airport. These surfaces are designed to protect the safe operation of aircraft during take-off and final approach stage of flight and therefore strict height restrictions are in place.

The planning authority strongly suggests early dialogue with the airport safeguarding team in order to determine the maximum permitted height of development.

Further information can be obtained from Aberdeen International Airport Safeguarding Manager (safeguarding@aairport.com / 01224 725756).

SAFEGUARDING OF ABERDEEN INTERNATIONAL AIRPORT (CRANES)

Attention is drawn to the requirement within the British Standard Code of Practice for the Safe Use of Cranes (BS7121), specifically section 9.9.3 (Crane Control in the Vicinity of Aerodromes) which requires the responsible person to consult the aerodrome manager for permission to work if a crane is to be used within 6km of an aerodrome and it's height would exceed 10m or that of surrounding trees and structures.

Use of cranes, scaffolding above the height of the proposed development, or other tall construction equipment must be notified to Aberdeen International Airport Safeguarding Manager (safeguarding@aairport.com / 01224 725756) at least one month prior to use. Failure to do so may result in any responsible person being guilty of an offence under Article 137 (Endangering Safety of and Aircraft) of the Air Navigation Order (CAP 393) which states that a person must not recklessly or negligently act in a manner likely to endanger an aircraft.

SAFEGUARDING OF ABERDEEN INTERNATIONAL AIRPORT (LIGHTING)

Developers and applicants are advised to ensure that all permanent lighting, construction lighting, or illuminated signage, within the development site must be of a type which does not cause spillage of light above the horizontal, or include strobe, laser or flashing light.

Failure to do so may result in any responsible person being guilty of an offence under Article 135 (Dangerous Lights) of the Air Navigation Order (CAP 393) which states that a person must not exhibit any light which (i) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome or (ii) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

Further information can be obtained from Aberdeen International Airport Safeguarding Manager (safeguarding@aiairport.com / 01224 725756).

HOTEL PARKING

Notwithstanding any submitted supporting information indicating otherwise, in order to ensure that overprovision of car parking does not occur, the planning authority expect a rate of 0.6 car parking spaces per bedroom to be applied to all hotels within the development. The rate of 0.6 spaces per bedroom has been demonstrated to be adequate for the parking demand experienced by hotels in Dyce.

OVERALL LEVELS OF PARKING ACROSS THE SITE AND MAXIMISATION OF USE OF EACH SPACE PROVIDED

It is expected that parking provision shall be guided by the principle of maximum utilisation of each space, through shared use by various operations. An example of which could be the sharing of car parking areas between hotels and offices, given that the peak use periods of each dovetail well. Submissions relative to Condition 26 shall demonstrate this approach and each proposal for parking is expected not to reflect a maximum parking level approach for each use/ element.

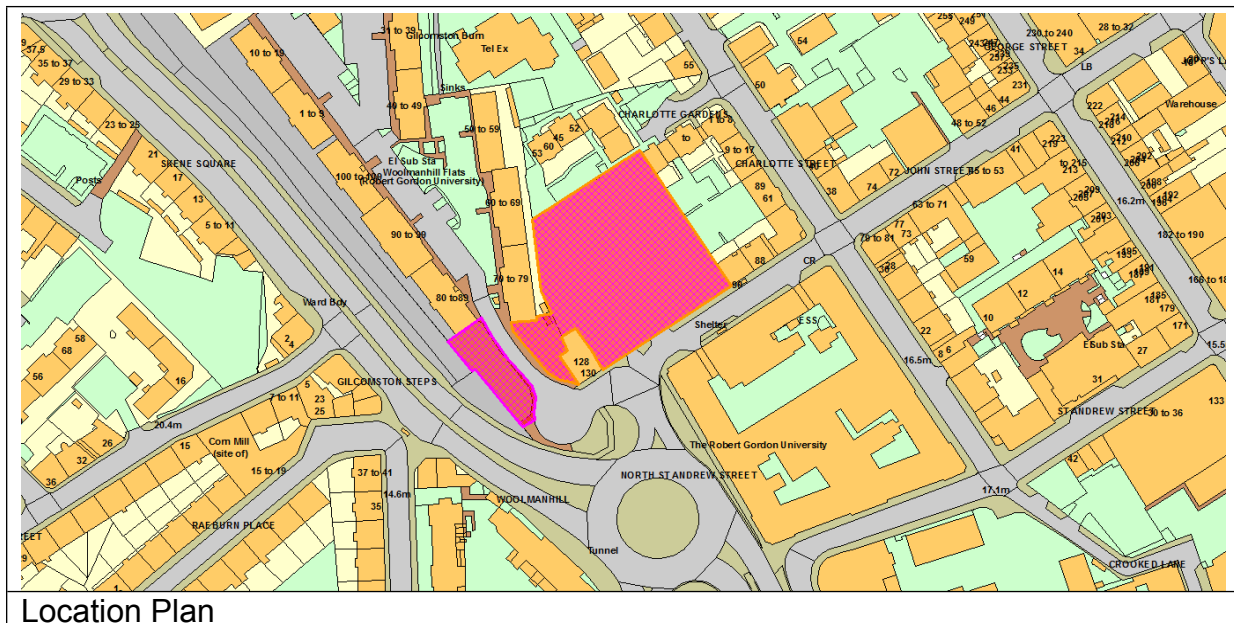
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Planning Development Management Committee Detailed Planning Permission

161427/DPP: Erection of student accommodation (374 bed spaces) with associated infrastructure and landscaping at 92-126 John Street, City Centre, Aberdeen, AB25 1LE

For: Downing Students (Aberdeen) Limited Partnership Incorporated

Application Date:	3 October 2016
Officer:	Andrew Miller
Ward:	George Street/Harbour
Community Council:	George Street
Advertisement:	Project of Public Concern (Bad Neighbour) – height exceeds 20 metres
Advertised Date:	12 October 2016
Committee Date:	9 February 2017



RECOMMENDATION: Approve conditionally but to withhold consent until an agreement has been put in place to secure developer obligations of £3,291.00 towards the upgrade of open space in the city centre.

SITE DESCRIPTION

The site comprises a largely vacant plot of land on John Street adjacent to the Woolmanhill Halls of Residence of Robert Gordon University. The site includes the Lumsden Security Locksmith premises and areas previously occupied by now demolished tenement buildings, with commercial uses at ground floor and the former

Ambassador Snooker Club. There is also a smaller separate part of the site adjacent to the turning area to the south of Woolmanhill Halls of Residence.

The surrounding area contains a mix of uses, with residential flats of mainly 4 stories in height to the north and east, Woolmanhill Halls of Residence to the west and the vacant Robert Gordon University building to the south.

RELEVANT HISTORY

Application Number	Proposal
160879	Proposal of Application Notice for Student Accommodation, ancillary facilities and associated infrastructure.
130579	Detailed Planning Permission for 182 Bedroom Hotel with one retail and one food drink unit at ground floor granted 9 October 2013.
A6/1811	Detailed Planning Permission for 50 flats refused by Planning Committee 6 August 2008, appeal to Scottish Government DPEA allowed 3 December 2009.

DESCRIPTION OF PROPOSAL

Detailed Planning Permission is sought for the erection of student accommodation (comprising 374 bed spaces) with associated parking, access and landscaping.

The development would be shaped in a U around a central courtyard serving as outdoor amenity space. The building would comprise 7 storeys fronting to John Street, though there would be an 8 storey tower element to the south western corner of the development (closest to the Woolmanhill Roundabout). To the rear, the height of the development reduces to 6 storey along the eastern wing, with a further reduction to 5 storey on the rear (northern) wing.

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=OEBBMGBZGXQ00>.

PRE-APPLICATION CONSULTATION

The proposed development was subject to pre-application consultation between the applicant and the local community, as required for applications falling within the category of major developments as defined in The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

The applicant submitted a Proposal of Application Notice (PoAN) on 1 July 2016. Copies of this were also sent to ward members for George Street and Harbour, as

well as George Street and Rosemount and Mile End Community Councils. As part of the PoAN, the applicant undertook a public consultation event at Aberdeen Central Library on 17 August 2016, with publicity in the Evening Express on 8 August 2016. Posters publicising the event were placed on public notice boards within the local area (e.g. Catherine Street Community Centre), with direct invitations sent to community councils and ward members. Leaflets were also provided to all properties within a 50 metre proximity of the site.

The public consultation event was attended by 11 members of the public, along with a representative of George Street Community Council. Only two feedback questionnaires were completed, both of which expressed support for the development of the site and were complementary of the general design. One representation supported the scale of the development to the rear (northern and eastern wings) along with proposed boundary treatment to the north. Concerns about overlooking were raised, as well as the attraction of seagulls to flat roofs.

A presentation was given to George Street Community Council on 13 September 2016. Questions were raised on the need for student accommodation, the height of the building and its relationship with adjacent buildings, particularly to the north and east. Concerns about seagulls nesting on building roofs was raised, as was the issue of car parking provision and students parking elsewhere.

In responding to the feedback, the developer reduced the scale of the proposed tower element from 11 storey to 8, and removed a standalone block to the west of the development. The window to window distance between the proposed development and adjacent residential flats was not amended, though the applicant stated that the separation distance is considered to be sufficient.

Comments on the impact of nesting seagulls have also been considered, with the applicant stating that any nesting will be managed to ensure neighbours and residents of the student accommodation are not affected by the noise of nesting gulls.

Relative to concerns about car parking, the applicant proposes to provide 7 disabled and staff parking spaces at the development and will not provide parking for students (apart from disabled and staff parking). The applicant has stated that the tenancy agreements for residents will state that there will be no use of cars by students. Drop-off/pick-up at changeover times will be managed, with disabled/staff parking and servicing areas being utilised.

CONSULTATIONS

Consultee	Comments Made
Developer Obligations Team	Contributions (£3,291.00) sought towards open space.
ACC - Waste Strategy Team	Specification of bins required and storage space provided. Informative notes on bins provision provided.
Scottish Water	No response received.

ACC - Roads Development Management Team	No objection subject to the following conditions being placed: <ul style="list-style-type: none">• Restriction of parking to visitors and disabled residents.• No entitlement to parking permits for residents.• Cycle parking provision (125 spaces)• Travel Pack.
Police Scotland	No response received.
ACC - Environmental Health	Requirement for Noise Impact Assessment to be undertaken – to be dealt with by condition.
ACC – Contaminated Land	Condition requiring mitigation measures identified in contaminated land report recommended.
ACC - Flooding And Coastal Protection	No objection to development, subject to conditions requiring surface water treatment and discharge rate to Gilcomston Burn to be agreed.
Network Infrastructure Ltd.	Rail No objections to proposed development subject to conditions/advisory notes relative to the following: <ul style="list-style-type: none">• Protective fencing for railway• Buffer between planting and railway (to prevent leaves on tracks)• Any changes in ground level being agreed with Network Rail.
George Street Community Council	Object to the proposed development on the following grounds: <ul style="list-style-type: none">• Height of development, particularly close to Charlotte Gardens and Woolmanhill Flats with a resultant loss of light and privacy.• Flat roofed areas will be left without any consideration to control of seagulls and pigeons. Happy that there are areas that can be utilised for changeover days and deliveries/refuse and that substantial boundary wall would be re-instated for security measures and privacy.

REPRESENTATIONS

4 representations have been received (3 objections and 1 neutral comment). The matters raised can be summarised as follows:

1. Existing student accommodation creates noise in the area – this will get worse with proposed development.
2. Proposal is too dense, with too many floors and little open space.
3. The development is too bulky compared with adjacent buildings.
4. Landscaped area (to west) is nothing other than a bit left over after roads and planning decisions and is not a good solution.

5. North block should be reduced from 5 storeys to 4 to tie in with adjacent flats.
6. North boundary should be reduced from 7 to 8 metres in height.
7. Flat roofs should not be used for recreation/roof garden.
8. Anti-seagull netting should be introduced on flat roofs.
9. Development will be 22 metres from adjacent flats to the north, thus would result in a loss of privacy.
10. There should be no impact on restrictions to loading/unloading to adjacent businesses.
11. Potential overlooking into adjacent commercial premises.

REASON FOR REFFERAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because George Street Community Council has objected and the application is recommended for approval, accordingly the proposal falls out with the Council's Scheme of Delegation.

PLANNING POLICY

Aberdeen Local Development Plan 2017

H1: Residential Areas
D1: Quality Placemaking by Design
D3: Big Buildings
D5: Our Granite Heritage
CI1: Digital Infrastructure
T2: Managing the Transport Impact of Dev
I1: Infrastructure Delivery & Planning Obligations
R7: Low and Zero Carbon Buildings

OTHER RELEVANT MATERIAL CONSIDERATIONS

Planning history of the site, in particular 130579 (erection of hotel).

EVALUATION

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.

The main considerations in this instance relate to the principle of the development, its design and siting, the impact on existing neighbouring uses; and servicing of the student accommodation (parking/drainage etc.).

Principle

The application site lies within in an area designated as a residential area in the Aberdeen Local Development Plan 2017. Associated policy H1 states that new development will be approved in principle if it does not: constitute over development; have an unacceptable impact on the character and amenity of the surrounding area; or result in the loss of valuable and valued areas of open space. Development should also comply with Supplementary Guidance.

Student accommodation can be considered to be a quasi-residential use, with the main differences being the temporary (usually yearly basis) of the tenancies and shared communal facilities (kitchens, living/common rooms and laundry). In this case the surrounding area contains a mix of uses, with “mainstream” residential to the north and east, student accommodation to the west and a hotel (under development) to the south.

The site itself is brownfield land and previously contained a tenement flats with commercial uses at ground floor level and snooker club. These uses were demolished in 2014 following the granting of consent for a hotel on the site. Scottish Planning Policy (SPP) advocates the redevelopment of brownfield land and urban renewal.

In this instance it is considered that the principle of the redevelopment of the site for student accommodation would be acceptable, particularly as it is adjacent to established student halls (Woolmanhill). The proposals are therefore considered to accord with policy H1 in this respect.

Design and Siting

Policy D1 contains a number of criteria which seeks to ensure that all new development is designed at a level suitable for its context. Policy D3 (Big Buildings) also seeks to ensure that big buildings are of a high quality design and states that the most appropriate location for such buildings are in the city centre and its periphery.

The proposed building would be relatively large, reaching a maximum height of 23 metres in the tower element. As described above, the proposed building would be arranged in a U-shaped footprint, around a courtyard area, which would be open to the west.

Looking at each wing, the southern wing would form the frontage of the building to John Street, and would have a height of approximately 19 metres. The first five storeys would follow the established building line on John Street, with the top stories being set back by 1 metre. It would be 2 metres taller than the adjacent buildings but is broadly in line with the massing of the consented hotel on the site. The use of different materials and set-back, along with the provision of the slightly taller tower element together would break up the visual massing of the frontage of the building, enabling it to blend in with the surrounding area. When compared with the height of the former Robert Gordon’s building to the south, overall it would be slightly taller in height however the height itself would not be out of keeping with this city centre

location where larger buildings of this sort can be expected. The tower element of the building would create a feature element marking the end of John Street as well as creating a new distinctive landmark in this area, particularly in views from the Denburn Valley (at Rosemount Viaduct and Union Bridge). Bearing the foregoing in mind it is considered that the development would make a positive and attractive contribution to the cityscape of Aberdeen City Centre.

The eastern block would reduce in height to 6 storeys and at 16.8 metres this would match that of the consented hotel. The building line of this element would be set back by 8.5 metres from the boundary with flats to the east (John St/Charlotte Street), offering a buffer area between the boundary and greater separation to the neighbouring flats. The height of the northern block would reduce further to 5 storeys at 14.1 metres for the main body of the building, although there would be a small set back 6th storey taking the maximum height to 16.8 metres. The siting and massing of these two wings are considered to be compatible with the adjacent flats to the west.

Relative to the external finishes of the building, the elevations would be finished largely in brick – which would be varied in colour but referencing the traditional granite finish of buildings in the city, along with a mix of grey and white cladding panels. These materials are considered to be complementary to the context and appropriate in this particular location. A condition to require samples to be provided for approval is recommended.

Externally, open space would be provided in a central courtyard. The external amenity space provision would be 4m² for each resident. An analysis of recent student accommodation developments around the city centre demonstrates that this compares favourably with other developments, exceeding the figures of recently consented developments (e.g. Powis Place, Causewayend and Triple Kirks).

Overall, it is considered the design and siting of the student accommodation would be suitable for its context in terms of massing and finish, and would comply with the requirements of policies D1 and D3 of the ALDP.

Impact on Surrounding Area/Residents

Given the scale of the development, and under the requirements of policy H1, development should not result an adverse impact on the amenity of neighbours in terms of overshadowing/loss of daylight or loss of privacy.

In support of the application, the applicant undertook a sunpath analysis to assess the impact of the development on neighbouring properties as well as the provision of sunlight to the amenity space proposed as part of this development. This demonstrates that the impact upon neighbouring amenity space would accord with BRE (Building Research Establishment) guidelines. 46 percent of the proposed amenity space within the development, would receive 3 hours or more of direct sunlight in the winter months, rising to 70% in the summer months. The impact on the neighbouring properties relative to the granted hotel consent is less, on account of the smaller footprint and set back position of the rear wing of the proposed development when compared with the hotel.

Relative to impact on neighbouring flats, a daylight assessment report was undertaken to assess the impact of the development on the neighbouring properties, as well as the rooms of the proposed development. The 6 “worst” affected neighbouring properties (to the north in Charlotte Gardens) would see a reduction in Vertical Sky Component of 10%, which given the circumstances of the dense urban location, is considered acceptable in this instance and is similar to the existing situation of many flats throughout Aberdeen City Centre.

An assessment on the provision of daylight to the rooms within the proposed development was also undertaken. This demonstrated that 97% of the windows passed the standards for the average daylight factor, with those that failed focused on the first floor area, notably to the front of the building. Of the 13 windows that failed, 5 of these failed marginally by just 0.1%. Taking account of the BRE guidance, which allows for flexibility in historic city centre locations, it is considered the development will offer suitable levels of daylight to resident students.

In responding to the application, the Council’s Environmental Health (EH) section have not objected but consider that some noise mitigation might be required. With that in mind EH have requested that a noise impact assessment be undertaken to ascertain the impact of the development on the surrounding area. A condition requiring this to be undertaken is recommended, along with any required mitigation measures.

Roads/Parking

The development has come forwards as a low car parking development, with parking proposed for disabled residents and staff. The provision of no parking for residents (excluding disabled residents) is considered acceptable in this location, given its proximity to public transport, the City Centre with all its amenities as well as its close proximity to North East Scotland (Aberdeen) College. Roads Development Management has raised no objections to the development, subject to conditions requiring a travel plan to be prepared and cycle parking provision.

Drainage

The site would be connected to the public water supply and foul drainage in the area. Although Scottish Water did not respond to the consultation request, the connection to the network is acceptable in principle, under the terms of policy NE6. With regard to surface water drainage, the site would be drained via a cellular storage tank to the culverted Gilcomston Burn. The applicant has demonstrated through a DIA that this approach is the most suitable for the site in terms of SuDS principles. The Council’s flooding team raised no objections to the development. In light of this, it is considered the proposals accord with the requirements of policy NE6.

Developer Obligations

In this instance, the Developer Obligations team have identified that there is a need to contribute to the provision of open space in the city centre, with a contribution of £3,291.00 sought. Funds would be utilised towards the upgrade of Union Terrace Gardens, which can be justified due to the increase in residents living and making

use of the Gardens which is the closest public open space to the proposed development.

Matters Raised by Community Council

In respect of the matters raised by the Community Council, these are outlined as follows, with a response to each point below.

- *Height of development, particularly close to Charlotte Gardens and Woolmanhill Flats with a resultant loss of light and privacy.*

It is considered the impact of the development on the surrounding area is acceptable, noting the consideration above under Design and Siting and the various supporting information provided with the application. It is noted that the impact of the development would be slightly less than that of the consented hotel.

- *Flat roofed areas will be left without any consideration to control of seagulls and pigeons.*

The applicant has stated in supporting information that this will be managed in the interests of the amenity of neighbours and residents of the proposed development.

Matters Raised in Representations

In respect of the matters raised in representations, these are outlined as follows with a response to each point below:

1. *Existing student accommodation creates noise in the area – this will get worse with proposed development.*

It is not considered that the introduction of student accommodation would result in significant levels of noise, however the requirement for a Noise Impact Assessment has been highlighted by Environmental Health and will be conditioned as part of this consent.

2. *Proposal is too dense, with too many floors and little open space.*
3. *The development is too bulky compared with adjacent buildings.*
4. *Landscaped area (to west) is nothing other than a bit left over after roads and planning decisions and is not a good solution.*
5. *North block should be reduced from 5 storeys to 4 to tie in with adjacent flats.*

Consideration to points 2 - 5 is given to the design, massing and siting above under Design and Siting.

6. *North boundary should be reduced from 7 to 8 metres in height.*

A condition is recommended requiring details of the boundary treatment to be provided via condition.

7. *Flat roofs should not be used for recreation/roof garden.*

The use of the flat roofs of the building for amenity space does not form part of this submission, with no access proposed to these areas as part of the application.

8. *Anti-seagull netting should be introduced on flat roofs.*

The applicant has stated in supporting information that this will be managed in the interests of the amenity of neighbours and residents of the proposed development.

9. Development will be 22 metres from adjacent flats to the north, thus would result in a loss of privacy.

This distance exceeds the minimum 18 metre standard for separation between windows.

10. There should be no impact on restrictions to loading/unloading to adjacent businesses.

The proposed development includes service access to the side of the development.

11. Potential overlooking into adjacent commercial premises.

Overlooking to commercial premises is not considered to be a planning issue

RECOMMENDATION: Approve conditionally but to withhold consent until an agreement has been put in place to secure developer obligations of £3,291.00 towards the upgrade of open space in the city centre.

REASONS FOR RECOMMENDATION

The redevelopment of the site for student accommodation is considered to be a suitable use compatible with neighbouring land uses and is designed, sited and serviced in a way that would maintain the amenity of the surrounding area and represent a positive enhancement of the townscape that makes good use of highly accessible, vacant and unsightly city centre brownfield land. Accordingly, the proposals are considered to accord with relevant policies of the Aberdeen Local Development Plan 2017.

CONDITIONS

1. External Material Finishes

That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason: in order that further evaluation can be given to the material finishes of the building, details of which are lacking from the proposals.

2. Landscaping and Amenity Space

That the landscaping scheme hereby approved (namely drawing numbers 16047_HW_200 REV E02, 16047_L_200 REV E02, 16047_SW_200 REV E02 – or such other drawings as may be agreed in writing with the planning authority), shall be implemented in prior to the first use of the development

hereby approved (excluding any planting which shall occur no later than the first planting season following completion of the development)

Reason: in order to ensure the external amenity space and associated landscaping are provided timeously.

3. Refuse Storage

That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority.

Reason: in order to ensure the development is served by suitable refused provision, preserve the amenity of the neighbourhood and in the interests of public health.

4. Cycle Storage

That the development hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision for 125 cycles in a secure, lockable facility has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

Reason: in the interests of encouraging more sustainable modes of travel.

5. Noise Impact Assessment

That no development pursuant to this planning permission shall take place unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels from the development on the nearest noise sensitive premises, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall:

- be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
- identify the likely sources of noise; and
- indicate the measures to reasonably protect the amenity of the occupants of the noise sensitive premises from all such sources of noise that have been identified.

The development shall not be occupied unless the said measures have been implemented in full

Reason: in the interests of residential amenity.

6. Boundary Treatment

That no development shall commence unless a scheme of boundary enclosures for the site has been submitted to and approved by the Council (as planning authority). The scheme shall include provision of a 1.8 metre high trespass proof fence in areas adjacent to the railway line. Thereafter the boundary treatment shall be provided and completed prior to the use of the building commencing.

Reason: in order that further consideration can be given to the boundary treatment of the development, details of which are lacking from the submission, and in order to ensure this is delivered timeously.

7. Contaminated Land

The development shall be not be occupied unless

- any long term monitoring and reporting required in the approved scheme of contamination (Report on Site Investigations, John Street, Aberdeen, Mason Evans, November 2015) or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
- a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out,

unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

Reason: to ensure that the site is suitable for use and fit for human occupation.

8. Drainage

That no development shall commence unless details of the following surface water drainage matters have been submitted and agreed with the Council (as planning authority):

- Confirmation that the discharge rate to the Gilcomston Burn during a 1:200 year flood event does not exceed 10 litres per second; and
- A scheme for the provision of 2 levels of treatment of surface water drainage.

Thereafter the development shall be implemented in accordance with those details unless otherwise agreed in writing with the Council.

Reason: to ensure the development is served by a suitable level of surface water drainage and in the interests of flood prevention.

9. Student Accommodation

The development hereby approved shall not be leased other than by students enrolled on full-time or part time further or higher education courses in Aberdeen unless otherwise agreed in writing with the planning authority.

Reason: that the form of the development and its associated infrastructure is only suitable for student accommodation.

10. Travel Plan

That prior to first occupation of the units or completion of the development (whichever is the soonest), a travel plan shall be submitted to and approved by the Council (as Planning Authority). The travel plan shall include (but is not limited to):

- Information on the restriction of parking to residents (e.g. wording of tenancy agreement on “No Car” provision).
- A scheme for the management of parking on site (for staff and disabled students).
- Details of a travel pack to be provided to students, which identifies sustainable travel in light of the “No Car” parking provision on the site.

Thereafter the measures identified in the travel plan shall be implemented in accordance with the approved plan.

Reason: in the interests of sustainable travel.

11. Railway Works

No development shall commence unless written evidence has been submitted to and approved by the Council (as Planning Authority) to demonstrate that the applicant/developer has provided and submitted details of all changes in ground levels, laying foundations and operation of mechanical plant in proximity to the Aberdeen-Inverness rail line for approval by Network Rail’s Asset Protection Engineer.

ADVISORY NOTES FOR APPLICANT

Contaminated Land

Localised hotspots of benzo(a)pyrene and asbestos will be excavated and removed to a suitable licensed waste disposal facility, or re-used on-site beneath hardstanding or buildings, (not in landscaped or garden areas). Waste transfer notes should be retained for presentation to the planning authority.

There is a large stockpile of demolition material stored in the central area of the site. If this material is to be disposed of, it should be disposed to a suitable waste disposal

facility and all waste consignment notes should be retained for presentation to the planning authority.

If materials are to be imported for use in the landscaped areas, these require to be tested to demonstrate their suitability. Testing should be undertaken at a rate of 1 sample per 500m³ for a range of common contaminants of concern.

Roads

Residents will not be eligible to apply for on-street parking permits.

Railways

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

Comments for Planning Application 161427/DPP

Application Summary

Application Number: 161427/DPP

Address: 92-126 John Street City Centre Aberdeen AB25 1LE

Proposal: Erection of student accommodation (374 bed spaces) with associated infrastructure and landscaping

Case Officer: Andrew Miller

Customer Details

Name: Mrs Michele MacLeod

Address: 34 Jamaica St Aberdeen

Comment Details

Commenter Type: Community Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: George Street Community Council are particularly concerned with the height of the proposed development, especially at the back of the site close to Charlotte Gardens and also for the Woolmanhill Flats. The associated loss of light and privacy there are of great concern to us. We are always concerned that any flat roofed areas will be left without any consideration to the control of seagulls and pigeons which are a particular problem in this area; we would ask that steps are taken to ensure that nets or some other form of control are utilised here. There have been problems locally with roof gardens being used for parties despite assurances from developers that this would not happen; we would like to make sure that this could not happen at this development. We are happy that there would be areas available for changeover days and that refuse and any deliveries could be managed away from the main road. We are also glad to hear that a substantial boundary wall would be re-instated for security measures and privacy.

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Comments for Planning Application 161427/DPP

Application Summary

Application Number: 161427/DPP

Address: 92-126 John Street City Centre Aberdeen AB25 1LE

Proposal: Erection of student accommodation (374 bed spaces) with associated infrastructure and landscaping

Case Officer: Andrew Miller

Customer Details

Name: Mr Dominic Fairlie

Address: c/o 5 Louisville Avenue Aberdeen

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Aberdeen Civic Society objects to this proposal for student accommodation. The development is too dense, having too many floors and little open space. The whole proposal is for a development that is too bulky compared with adjacent buildings.

In addition, the landscape area shown on the application is nothing other than a bit left over after roads and planning decisions. It is not a good solution.

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Comments for Planning Application 161427/DPP

Application Summary

Application Number: 161427/DPP

Address: 92-126 John Street City Centre Aberdeen AB25 1LE

Proposal: Erection of student accommodation (374 bed spaces) with associated infrastructure and landscaping

Case Officer: Andrew Miller

Customer Details

Name: Mr Henry Lumsden

Address: Lumsden Security 128-130 John Street Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: We are proprietors of the property identified as 128-130 John Street on the location plan bordering the proposed development.

We have no objection to the development for student accommodation as shown on the application plans but wish to make the following representation.

A: Our business is reliant on trade customers and deliveries being made to our premises during the working day and there are restrictions for loading and unloading in front of the building. To this end we request assurances that this will not alter due to any issues arising from the development.

B: There is an existing Velux window on our roof facing the west elevation of the development. We are aware that this may have overlooking and privacy issues to be addressed.

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From: philip barratt
Sent: 21 Oct 2016 16:08:13 +0000
To: PI
Subject: COMMENTS On Planning Application for 92-126 John Street

Planning Permission Application
Application Ref : 161427/DPP
Date of Notice :4th Oct 2016
Development : 92-126 John Street, Aberdeen AB25 1LE

My contact details : Philip Barratt (Community Councillor)
60 Charlotte Gardens
Aberdeen
AB25 1LW
Email : [REDACTED]

Problems with your online form for comments hence this email dated 21st Oct 2016.

I Object to this development unless the following comments are implemented.
I am a Community Councillor for the George Street area and my lounge window will be
22 metres from the North face of this proposed Building for student flats.

1. The building on the North face should be reduced from 5 storeys to 4 storeys as the block I am in is 4 storeys high.
2. The North Boundary Wall should be 7 to 8 metres in height.
3. The Flat Roofs should be Off Limits to Residents and not used as a Roof Garden or for Recreation. This has been an issue with other student accommodation in the area leading to many complaints about noise and anti social behaviour. Ideally it would be better to have a pitched roof.
4. Anti Seagull Netting should be introduced if there is to be flat roofs. The Seagulls roosting on the previous building (I counted 65 of them) caused a problem because of the noise which would be most intrusive and often prevent residents and their neighbours from sleeping.
5. The North face of the building will be 22 metres from my lounge window. So overlooking me with a subsequent loss of Privacy.

I hope that you can take these comments into consideration when considering this Planning Application.

Could you email me to confirm receipt of these comments.

Regards
Philip Barratt

Comments for Planning Application 161427/DPP

Application Summary

Application Number: 161427/DPP

Address: 92-126 John Street City Centre Aberdeen AB25 1LE

Proposal: Erection of student accommodation (374 bed spaces) with associated infrastructure and landscaping

Case Officer: Andrew Miller

Customer Details

Name: Ms Ruth Munro

Address: 16 Charlotte Gardens Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The student accommodation that is already beside this plan generates so much noise. More student accommodation there and closer to the flats in Charlotte Gardens is going to be worse for the Charlotte Gardens residents. Also depending what height the building will be it is going to totally overlook Charlotte Garden flats

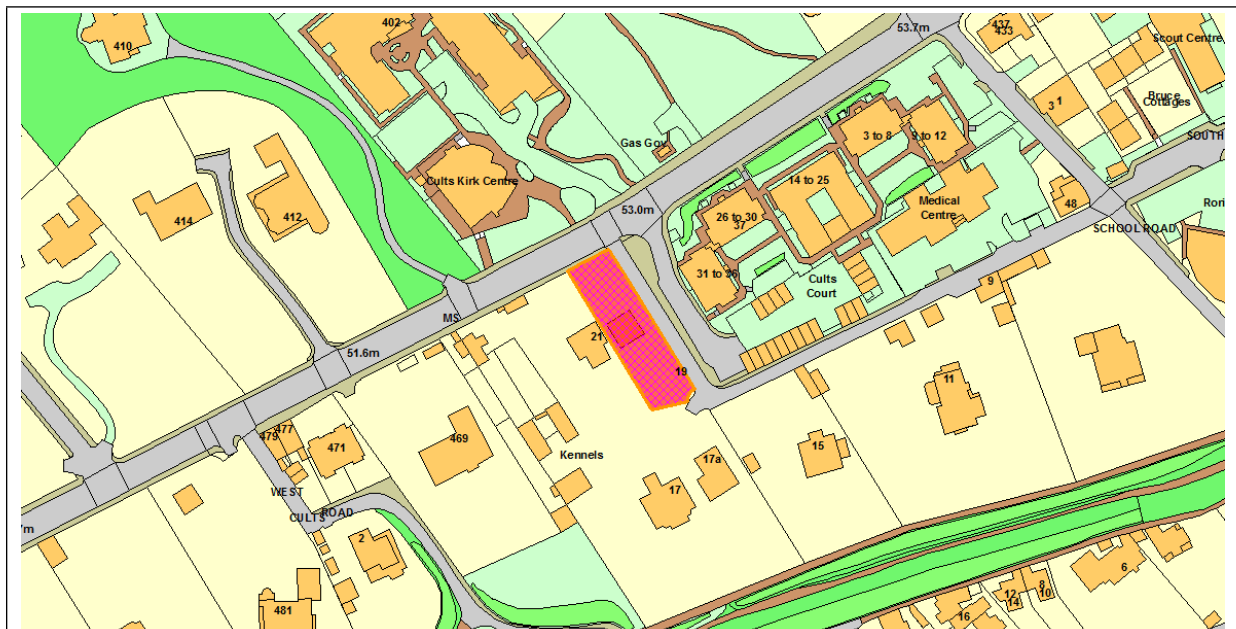
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Planning Development Management Committee Detailed Planning Permission

161721/DPP: Erection of 4 No residential flats and associated car parking at 19 South Avenue, Aberdeen, AB15 9LQ,

For: Client Of Fitzgerald + Associates Ltd

Application Date:	5 December 2016
Officer:	Dineke Brasier
Ward:	Lower Deeside
Community Council:	Cults, Bieldside And Milltimber
Advertisement:	N/A
Advertised Date:	N/A
Committee Date:	9 February 2017



Location Plan

RECOMMENDATION: Refuse

SITE DESCRIPTION

The application site comprises a rectangular plot extending to approximately 800m² located on the corner of North Deeside Road and the unmade part of South Avenue. It is currently vacant, but was the site of a relatively small one and a half storey detached dwelling. There is a significant drop in levels by approximately four metres across the site in a north-south direction. The site is accessed from South Avenue from a private single width lane shared with four residential properties and the dog boarding kennels. A high granite boundary wall surrounds the site to the north and east, with a 1.8m timber fence running along the west and south boundaries.

APPLICATION REF: 161721/DPP

The site is located within a residential area, which is predominantly characterised by detached dwellings set in substantial plots. To the east is Cults Court, a three storey flatted development.

RELEVANT HISTORY

Planning permission 141049 for the construction of a new dwelling with integral garage and associated works was approved under delegated powers on 13 November 2014.

DESCRIPTION OF PROPOSAL

Detailed planning permission is sought for the construction of four flats and associated car parking. The proposed building would have three storeys facing North Deeside Road and four storeys facing south. Due to the split in levels, the ridge height when measured for the north elevation would be approximately 10m, whilst it would be around 13m when measured from the south elevation. The building would have a footprint of roughly 15m by 16m, and would be built up to the east boundary with South Avenue, whilst leaving a gap of 1m to the boundary with 21 South Avenue.

The architectural design approach proposed incorporates a large flat roof, feature gable and other windows to the north elevation and large dormer type areas to the front and sides. To the rear are three large balconies of 20m² each. The building would be predominantly finished in timber cladding with some brick details on the lower ground floor.

Each floor would contain a single, large one bedroom flat, each extending to a floorspace of approximately 150m², which is an equivalent to the size of an average four bedroom detached dwelling. Each flat would comprise a single bedroom with en-suite bathroom, large dining/ kitchen/ sitting area, utility room and additional second bathroom. The flats on the ground (unit 2), first (unit 3) and second (unit 4) floors would be served by a large south facing balcony, whereas the lower ground floor unit (unit 1) would have direct access to a private rear garden. Private gardens for units 2, 3 and 4 would be provided to the north of the building facing North Deeside Road. These gardens would measure 80m² (unit 2), 50m² (unit 3) and 55m² (unit 4) respectively.

The site layout would further include six parking spaces, a single motorcycle parking space, bicycle parking and a bin store.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeency.gov.uk.

- Design and Access Statement by Fitzgerald and Associates Ltd, dated November 2016
- Supporting Planning Statement, undated
- An additional letter by Fitzgerald and Associates Ltd. providing a response to the letters of objection was received on 30 January 2017

CONSULTATIONS

Consultee	Date of Comments	Comments Made
ACC - Environmental Health	12 December 2016	Noise Impact Assessment required in relation to impact of road traffic noise on the proposed residential units due to its location adjacent to the A93 main road.
ACC - Roads Development Management Team	15 December 2016	No objection subject to conditions in relation to drainage of parking area.
ACC - Flooding And Coastal Protection	12 December 2016	No objection but recommends consideration of rainwater attenuation storage and the use of permeable block paving.
ACC - Waste Strategy Team	12 December 2016	Dimensions of bin storage area should be submitted
Cults, Bielside and Milltimber Community Council	29 December 2016	No objection, but would like following issues considered: <ol style="list-style-type: none"> 1. Impact on privacy of existing residents 2. Imposing building of contemporary design that would be much higher than 21 South Avenue 3. Lane is primary access route for existing residents and should remain open at all times, including during construction works.

REPRESENTATIONS

13 letters of objection have been received, with the following matters raised:

Impact on amenity:

1. Balconies and windows would result in a loss of privacy to 17, 17A and 21 South Avenue, and 31 and 33 Cults Court
2. Increase in height and removal of pitched roof would result in additional massing of the resultant building when compared to that previously permitted under application 141049. Such a large building at only 2m from the east elevation of 21 South Avenue would have an overbearing impact on this property
3. Proposal would result in overshadowing of and a loss of light to 21 South Avenue and 31 Cults Court
4. Proposal would block views from 31 Cults Court

Impact on character of surrounding area, including design

5. Design, size, height and materials of proposed development would be inappropriate for plot of land and would have an adverse impact on character of the surrounding area;

6. Character of south side of South Avenue is that of detached single family dwellings. This block of flats would be contrary to this established character and would be out of context.
7. Large floorplans could result in further conversion into two or even three bedroom flats, with additional parking requirements. This could not be accommodated on the site. Number of bedrooms is misleading in this instance and application should be considered on floorspace instead. Proposal is equivalent to replacing one small dwelling with four large houses, which would be an unacceptable increase in density on a relatively small site in a low density area.
8. Proposal should not be compared against other flatted developments in Cults and should be assessed on its own merits

Parking and traffic conditions

9. Concerns with regards to increase in traffic using South Avenue/ North Deeside Road junction and private lane running west from South Avenue.
10. Insufficient parking provided and concerns that not all spaces would be usable. One of the parking spaces would require the removal of a hedge owned jointly by 19 and 21 South Avenue and would be unusable.
11. Building works will cause disruption and could result in severe disruption for traffic using South Avenue as scaffolding would be required to be up in lane restricting access for existing dwellings and the boarding kennels;
12. Access into the site from the private lane is difficult. This would be even worse if more cars would need to use this access.
13. A condition should be added that the developer must repair South Avenue on completion of the proposed development.

Other

14. Existing trees on the site have been felled.
15. Proposal would result in devaluation of surrounding properties;
16. Proposal could set an undesirable precedent for further higher density development on gap sites further west towards and including Milltimber and Bieldside.

REASON FOR REFFERAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than 6 letters of objection have been received. The application therefore falls outside the Council's Scheme of Delegation.

PLANNING POLICY

2017 Aberdeen Local Development Plan:

T2: Managing the Transport Impact of Development

H1: Residential Areas

D1: Quality Placemaking by Design

NE6: Flooding, Drainage and Water Quality

R6: Waste Management Requirements for New Developments

R7: Low & Zero Carbon Buildings and Water Efficiency

OTHER RELEVANT MATERIAL CONSIDERATIONS

Interim Planning Advice: Subdivision and Redevelopment of Residential Curtilages and Transport and Accessibility.

EVALUATION

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.

Impact on character and appearance of surrounding area:

The west side of South Avenue is characterised by low density residential development predominantly consisting of detached dwellings in substantial plots with large gardens to the front and rear. Properties are often nestled behind stone boundary walls within a strong landscape setting. This pattern of development is continually repeated along Lower Deeside further to the west towards Bieldside and Milltimber and to the south towards the River Dee. The majority of dwellings are orientated to make best use of views towards the River Dee, and for solar orientation. To the east, approximately from the other side of South Avenue with the flatted development of Cults Court, is a more dense pattern of development forming part of the village centre of Cults. The village centre is a relatively small, confined area of Cults and includes the majority of services, shops and with flatted residential developments. It is effectively delineated by South Avenue on its southern and western sides, by North Deeside Road to the north and by St. Devenick's Place to the east.

Visually, this part of South Avenue together with the access road into Cults Court form the boundary between these two distinct character areas, with the application site falling clearly within the predominantly low density residential area. This visual distinction is further emphasised by the high granite boundary wall running along South Avenue and North Deeside Road screening properties further west from North Deeside Road and minimising their visual appearance in the street scene. Cults Court on the other hand, is much more prominent in the street scene and has a much more dense nature.

The proposed development would comprise of four large one bedroom flats in a four storey building. The floorspace of each flat would be approximately 150m², which is comparable to an average 4 bedroom detached dwelling. The overall floorspace of the building would exceed 600m². The building would have a relatively square appearance with approximate maximum dimensions of 16m in width by 18m in length and a footprint of approximately 200m², which includes provision of a communal hall. For comparison, the neighbouring property at 21 South Avenue has a footprint of around 125m². The building would be split level and have three storeys facing North Deeside Road to the front and four to the rear. The maximum ridge height would therefore be 9.3m measured on the front elevation and 12m on the rear elevation. A building of such large dimensions would appear out of context in this relatively low density area and would dwarf the one and a half storey dwelling adjacent at 21 South Avenue.

Furthermore, due to its large width, it would be built up to and incorporate the granite boundary wall on the east boundary and would leave only a gap of 1m to the boundary with 21 South Avenue which would exacerbate the visual disharmony with the surrounding built context. This would be out of character with the relative wide spacing between properties apparent in this general area, giving a clear impression of the site being overdeveloped. Especially the integration of the boundary wall into the building would indicate that the building is crammed into a relatively small site, and its scale, size and massing would be too large for this specific site, and would enclose this part of South Avenue. As such, it is considered that the proposal would not give sufficient consideration to the site context nor would it fit comfortably within the existing streetscape.

Due to the reasons given above the proposal is therefore considered to be contrary to the requirements of both policy D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

Design

The proposed design shows a relatively square building with a large flat roof. It would contain a feature gable to the front incorporating large windows as the main design features. To the rear, the building would contain three large balconies and full height windows across most of the rear elevation. The side elevations appear completely blank. Each side elevation contains two narrow windows with vertical timber louvres to ensure they would not result in overlooking of neighbouring properties, and a large dormer type structure resulting in the predominantly flat roof and square appearance of the building.

The design of the building includes various features, the timber slatted windows, dormers, and flat roof, to maximise floorspace without due influence from the context in which the building is set. This is more to do with the volume of accommodation proposed than any architectural style. The volume of accommodation proposed in what is a constrained site results in a very large and bulky building with very large, blank side elevations. One elevation is blank by virtue of its proximity to the neighbour at 21 South Avenue. The street elevation facing South Avenue is blank to avoid overlooking of properties in Cults Court. The building would mainly be finished in timber cladding, which is a type of material that is not common in this part of Cults, which is not necessarily an issue in itself as there is a range of material finishes used in the area and whose appearance is wholly dependent on the form of development proposed.

In this case, the volume of the building would result in a site that can be seen to be split in three distinct parts, a garden to the front, a large building in the centre and a predominantly formal hard landscaped area to the rear. The overall appearance therefore lacks the landscape setting that is dominating in this part of Cults and further to the west. The proposed garden area to the front would significantly be overshadowed and due to its proximity to the main North Deeside Road would not result in a pleasant usable external amenity space.

Overall, it is considered that the overall design of the building is not of a sufficiently high standard as required under policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

Impact on residential amenity

Neighbouring properties

The nearest neighbouring dwelling would be 21 South Avenue, immediately to the west of the application site. This is a modest one and a half storey dwelling similar to that previously occupying the application site. The proposed building would leave a gap of two metres between its west elevation and the east elevation of number 21, with 1m between the boundary. The north and south elevations would both project approximately 3m further out than the north and south elevation of number 21. The overall ridge height of the predominantly flat roof of the proposed building would be approximately 4.7m higher than the ridge height of 21 South Avenue. The combination of this wider elevation, the increase in height and the predominantly flat roof culminates in a very large west elevation at a very short distance of this neighbouring property. It is therefore considered that this would be out of proportion and would have an overbearing impact on 21 South Avenue to the detriment of their residential amenity.

In addition, due to the scale and massing of the proposed building, this would result in the loss of light and extreme overshadowing of parts of the garden of 21 South Avenue, a back door and dormer window in the rear elevation and a side facing window, again to the detriment of the residential amenity of this existing residential property.

The proposal includes two narrow windows on each floor serving the dining room in each flat facing out towards the private garden of number 21. These windows are clearly secondary windows allowing for additional light into this area. The main window faces out towards North Deeside Road. These narrow windows are covered by vertical timber louvres to ensure they would not result in unacceptable levels of overlooking of 21 South Avenue, and in itself would not warrant a reason for refusal.

Along similar lines, the south facing balconies could incorporate screens at both the east and west to ensure they would not result in unacceptable levels of overlooking of both 21 South Avenue and the properties in Cults Court.

The distance between the rear elevation of the proposed building and properties 17 and 17A South Avenue to the rear exceeds 40 metres. The Subdivision and Redevelopment of Residential Curtilages Interim Planning Advice states that a minimum distance of 18m should be achieved between facing windows. In this instance, this distance is easily more than twice this recommended 18m, and the proposal would not result in an unacceptable loss of privacy to the occupiers of these dwellings.

A loss of views is not a material planning consideration.

As such, based on the above, the proposal would be contrary to the requirements of planning policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan as it would have an unacceptable overbearing impact on the modest dwelling at 21 South Avenue and would result in unacceptable levels of overshadowing of the private garden ground and several windows of this dwelling resulting in an unacceptable detrimental impact on their residential amenity.

Residents

The proposed flats would provide more than sufficient floorspace for a one bedroom unit. In addition, units 2, 3 and 4 would have a generous south facing balcony and unit 1 a south facing private garden. The area to the north, facing North Deeside Road, would be split into private gardens for units 2, 3 and 4. It is questioned how useful this area to the north of the building would be though as it would be directly facing North Deeside Road – a busy, noisy thoroughfare towards Royal Deeside. Furthermore, due to this area being to the north of this large building, very little direct sunlight would reach this area, which would limit their usability as external amenity space. The existing granite boundary wall is relatively low on the North Deeside Road side, and pedestrians could easily look down into the gardens, severely restricting their privacy. However, in combination with the balconies, an acceptable level of external amenity space would be provided for the residents.

Impact on local highway conditions, especially in relation to parking and access

Interim planning advice on Transport and Accessibility sets out that 1.5 spaces per 1 bed flat would be required in Cults. The site plan shows six spaces, so this requirement is met.

These six parking spaces would be accessed from the existing entrance into the rear of the site. The usability of one of these spaces is questioned as an existing mature hedge partly overhangs this parking space. Furthermore, even though it would be possible, manoeuvring in and out of some of these spaces to enter and exit the site in a forward gear would not be straightforward.

Four cycle spaces would be provided to the rear. These are not shown as covered and secure. However, sufficient space would be available, and details of cycle storage could be conditioned. This in itself would therefore not warrant a separate reason for refusal.

Waste Management

A bin store would be provided to the rear of the site. Further details of this bin store should be submitted. However, again, there is sufficient space on-site in the general location of the indicative bin store shown on the site plan

Drainage and Low and Zero Carbon Buildings

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the Aberdeen Local Development Plan sets out that all new buildings must install low and zero carbon generating technology to reduce the predicted carbon dioxide emissions by at least 20% below that required by the Scottish building regulations at the time of the application. The applicant has acknowledged this in their supporting statement and declared a willingness to provide these details through condition. In this instance that would be acceptable.

Existing permission

The existing permission 141049 for a single replacement dwelling is a material consideration. However, this permission was for a completely different type of development. That permission was for a single replacement dwelling whereas this current application is for a block of four very large flats. In addition, the external

appearance of this approved dwelling was more akin to what is found in this general area, and was therefore considered to be in context with and complementary to the surrounding area. Its scale and massing is much smaller than that of the building subject of this application, partly due to the sloping roof. It is therefore considered that this existing permission would not provide sufficient justification or can serve as a precedent for this current application.

Other matters arising from letters of objection:

7. *Due to their large floorplans, the units could be converted into two or three bedroom flats.* Each planning application is assessed on its own merits. The current proposal is for four, albeit large, one bedroom flats. As such, this is the basis on which this application is assessed. A further subdivision of the flats would be the subject of a separate planning application.
11. *Building works would block access off South Avenue.* This in itself is not a material planning consideration. It would be up to any developer to ensure that access to all properties would be maintained.
13. *Condition should be added that South Avenue be repaired following completion of all works.* South Avenue in this location is not adopted and is a private road. As such, any repair or maintenance to this road is a civil matter, and is not considered as part of this planning application.
14. *Existing trees on the site have been felled.* The site has been completely cleared and all trees on site have been removed. These trees were not covered by a Tree Preservation Order, neither is the site within a conservation area, and as such no permission was required for the felling of the trees.
15. *Proposal will result in devaluation of existing properties.* This is not a material planning consideration
16. *Proposal could act as a precedent for further high density developments along North Deeside Road towards Bieldside and Milltimber.* Each application would be assessed on its own merits against site specific characteristics and all relevant policies current at the time. As such, it is not considered that the proposal would act as a precedent for other higher density development.

Recommended conditions

The application is recommended for refusal, but if committee were minded to grant, then conditions requesting the submission of further details on materials, landscaping, drainage, bin and bike storage, low and zero carbon building methods and a noise impact assessment would be recommended.

RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION

1. Due to its bulk, scale, massing, width and height the proposal is considered out of context in the surrounding area and an overdevelopment on the site. The site is located in a low density character area that gradually moves westwards along North Deeside Road. No consideration has been given to these characteristics, nor to the modest nature of the immediate neighbouring

dwelling. The proposal is therefore contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

2. The overall design of the proposed building, due to its massing, width, height and features such as the large flat roof, dormer type sections of the roof and proposed materials is not considered to be of a sufficiently high quality to warrant approval under policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan and would not reflect local styles and urban form, nor would it reinforce the established pattern of development.
3. The proposed building, due to its height, scale and massing is considered to have an overbearing impact on the modest dwelling at 21 South Avenue, and would result in an unacceptable loss of light to their private garden, rear door and dormer window, and side facing window. The proposal is therefore considered to have a significant detrimental impact on their residential amenity, and would be contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan and Interim Planning Guidance on Sub-division and Redevelopment of Residential Curtilages.



Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4, Marischal College
Broad Street
Aberdeen
AB10 1AB

29 December 2016

Dear Ms. Brasier,

Planning Application 161721/DPP: Erection of 4 No residential flats and associated car parking 19 South Avenue Aberdeen AB15 9LQ

I am writing on behalf of the Cults Bielside and Milltimber Community Council (CBMCC) to share our views on the proposed building of 4 residential flats in the grounds of 19 South Avenue, Cults. The Community Council is not formally objecting to the flats being built as proposed but would like the Planning Department to take into consideration the following issues when assessing the application.

1. Each flat has a balcony and they would directly overlook the garden of No. 21 South Avenue and other nearby properties with an impact on privacy of existing residents, contrary to the statement made in the Supporting Planning Statement. Consideration should be given to placement of screening on each side of the balcony.
2. The property would be of similar height to Cults Court across the lane but very much taller than the house at 21 South Avenue, so it will be an imposing building of contemporary design compared to other properties in the area.
3. Access is a potential problem through narrow lanes and poor quality unadopted roads. The eastern wall of the building appears to replace part of the bounding wall along the lane to South Avenue. It is important to stress that the lane is the primary access route for the current residents and it must remain open to traffic at all times – this should be a condition of any planning approval.

Please contact me if you have any questions.

Yours sincerely,

Peter Roberts

Peter Roberts
Planning Liaison Officer

Copy to: Councillor Marie Boulton, Councillor Aileen Malone, Councillor Tauqeer Malik

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Mrs Y Simpson
32 Cults Court
Cults
AB15 9SZ

3 January 2017

Aberdeen City Council
Planning Department

Dear Ms Brasier

Application Reference – 161721/DPP
Address – 19 South Avenue Aberdeen AB15 9LQ
Proposal – Erection of 4 No residential flats and associated car parking
Case Officer – Dineke Brasier

I refer to the above planning application and submit the following representation:

Figures available from the Royal Institute of British Architects (RIBA) indicate that the average UK one-bedroom home is 46 sq m. RIBA found the average UK three-bedroom home is 88 sq m.

In this planning application we are given to understand that each one bedroom flat will have a floor area of between 147 and 153 sq m, i.e. well over one and a half times the floor area of the average UK three-bedroom home.

In addition, plans for each one bedroom flat show two bathrooms, one being adjacent to a dining room large enough to accommodate seating for eight people which implies it is of a size suitable for use as a bedroom and of a design that facilitates partition from the lounge.

Although dimensions have not been supplied, the utility room appears large enough for use as a further bedroom, either in its present configuration or by minor changes to internal walls.

It is not unreasonable to be concerned that what the developer describes as being one bedroom flats are of a size and design with potential and/or suitability for use as two or three bedroom properties with a consequent impact on the amenity of the site.

Is it legitimate that a property be classified as a one bedroom flat when it has the size and characteristics of a much larger property?

Is it incumbent on the council to validate that, should such a development proceed, its extended use will be in accordance with the one bedroom properties detailed in the proposal?

Relevance of precedent

The developer has cited a number of nearby three storey developments, presumably as precedent for their proposal.

None of these feature a restricted walled lane access as is evident in the proposed development at 19 South Avenue. South Avenue has effectively only one direction of access from the main road as the remaining section of road running from the proposed development to School Road is only

partially surfaced.

In the cited properties alternatives exist in the event of access being required for large commercial vehicles or in the event of vehicle breakdown blocking access to the site.

The developers also draw attention to the modest parking provision in some of these other sites, apparently in justification for the 6 parking spaces mentioned on the supporting planning statement. (Note: The developers plan shows that hedging compromises one these parking spaces so that only 5 appear useable).

This does not take account of the fact that vehicles attempting to access the proposed parking area cannot see whether parking spaces are available until they are in a confined space with limited manoeuvrability. No vehicle turning area appears to be incorporated into the plan.

Should all the spaces be occupied then vehicles will need to traverse the single track lane to the main road, causing further congestion at either end of the lane.

It is reasonable to suggest that there will be situations where drivers entering the lane from North Deeside Road will have no choice but to reverse back on to the main road due to oncoming traffic coming up the lane.

I assert that the parking provisions at 19 South Avenue create difficulties and safety concerns that do not exist to the same extent in the other developments cited by the applicants, which includes provision for access and egress of the emergency services.

Daylight issues

The applicants images of the completed development indicate a line of large mature trees running parallel to the access lane. The impression conveyed is that natural light is already shielded from Cults Court. This is not in fact the case. While there are large mature trees at the upper and lower end of the lane, the area between enjoys natural light from the west.

There is not sufficient space in this area of Cults Court to accommodate large trees, therefore the proposed development will have an adverse effect on daylight.

Noise & privacy

The fact that Cults Court cannot effectively be shielded by trees from the proposed development, combined with balconies which afford a view over neighbours, creates noise and privacy issues. The developer has drawn attention to other developments in the area with balconies.

However a direct comparison is questionable due to the relative proximity of neighbours in the confined space occupied by the proposed development.

Height of building

The developer draws attention to the fact that the height of the proposed building is only marginally higher than that approved for the site and compares favourably in scale to the one and a half storey dwelling house that formerly occupied the site.

It seems reasonable to be concerned that whereas the former dwelling house had a pitched roof, the extended roof line cube shape of the proposed development will have greater impact on the amenity of the site.

Yours sincerely

Yfke Simpson
32 Cults Court



HALLIDAY FRASER MUNRO LIMITED

10625/05.01.02.LET.001/SC.pi

06 January 2017

ABERDEEN CITY COUNCIL
ENTERPRISE, PLANNING & INFRASTRUCTURE
BUSINESS HUB 4
MARISCHAL COLLEGE
BROAD STREET
ABERDEEN
AB10 1AB

For the attention of MS DINEKE BRASIER

Dear Ms Brasier,

PLANNING APPLICATION REF: 161721/DPP – ERECTION OF 4 RESIDENTIAL FLATS AND ASSOCIATED CAR PARKING AT 19 SOUTH AVENUE, CULTS

OBJECTION ON BEHALF OF MR & MRS LEITH, 21 SOUTH AVENUE, CULTS

I write on behalf of Mr & Mrs Leith to object strongly to the above planning application. This is clearly an overdevelopment of the site but also raises a wide range of serious planning concerns and impacts on my client and by implication their neighbours. Initial comments are set out below followed by a review of these against newly adopted Council policy.

This objection has been lodged in line with the attached e-mail confirming that the consultation period has been extended to 8th January. We note, however, that the online representation form is no longer available to those wishing to comment through the Council's webpages.

Context - The site is located within a residential area of the City. South Avenue presents a clearly defined boundary between a more built up area to the east and the low density housing area to the west and south. The area to the west generally comprises single houses in large plots. There are no flatted developments in the immediate area to the west of South Avenue. Contextually therefore the proposed development is out of character with the surrounding area.

Scale of Development - This application is for 4 one-bedroom flats on the site of a much smaller, now demolished single storey cottage. The proposed flats are very large and range from 147sqm to 153sqm. To put that into context a 4 bedroom detached 2-storey house could be in the range of 140sqm to 160sqm. The proposed flats are each essentially of a similar floor area to that of a reasonably large family house. That has implications for the level of open space and other elements such as car parking or servicing. Where a one-bedroom flat may have a lower level of these required, larger properties require greater amounts. These proposed properties should therefore be treated in relation to their floor space rather than number of bedrooms as the latter is misleading.

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ARCHITECTS

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CONSULTANTS

LAND USE
CONSULTANTS

URBAN DESIGNERS

SPACE PLANNERS

Density - As a result of the size of the units the site density is proposed to be increased significantly, even over the previous consent for a very large single house to replace the original small cottage. Given the scale of each of the flats this proposal is the equivalent of locating 4 family sized houses on the site of a single house.

Height and Mass – The height and massing of the proposals are out of context with the surroundings. The proposal is for a single monolithic block over 9.6m high to the North elevation and over 12.6m to the south elevation. The previous scheme at 1 ¾ storeys with a pitched roof gave some relief to the mass but the current proposal is box like with no consideration to the context of the area.

Daylight and Overshadowing - The height and location of the building so close to my client's house is such that it will create unacceptable overshadowing in the garden to the north. This will be at its most pronounced in the morning but will result in my client's amenity being significantly undermined.

Privacy and Overlooking - The height and the proximity of the proposed development to my client's home will clearly create significantly greater opportunities for overlooking and impact adversely on the privacy of their property. Three storeys of balconies at the south of the property look directly into my client's garden and from height, exacerbating the impact. The northern elevation's windows will also look directly into the northern garden of no 21, again significantly undermining the privacy and amenity of this presently quiet and secluded garden ground.

Design -The design of the proposals are totally out of context with the residential area to the South of the North Deeside Road. Properties to the South have been designed in such a manner to limit the visual impact by sitting low behind the historic walls that are a feature to the South side of the North Deeside Road.

The building is forcing itself into the surroundings and its mass is totally uncomfortable in relation to the adjacent properties. Mention is made that it relates to the properties at Cults Court but to design this box to the heights suggested will produce a development that is totally out of keeping. The current proposal keeps relating to the application approved P141049 for height and massing. There appears to be many conflicts with regards to heights, datum levels massing etc. We cannot tell from the plans submitted how this application actually relates in height to that approved as there is no constant datum. From the information provided we think the proposal could be in excess of 1.6m higher than that previously approved. We also note that floor to floor heights have not been noted and we would like confirmation of these so an assessment to fixed datum's can be reviewed. Dimensions and floor areas do not tie up either. The building footprint is stated as 180sqm however the dimensions provided of 15 x 13.7 (excluding Balconies) give a footprint of 205.5m some 25.5m of a difference.

We have checked the submitted plans and we calculate the overall external envelope (including balcony floor space) to be in the region of 221sqm. Clarification is required to what is correct as this will amend any coverage figures that have been stated.

The number of discrepancies throws doubt on the accuracy of the drawings submitted and this will need absolute clarification prior to any decision being made on this application. In that circumstance my client will expect a re-notification and opportunity to consider the proposals based on definitive drawings. We suggest that the Council should request updated drawings that can be considered in a like for like manner with the existing circumstances.

Building Line - The building line dimensions are also confusing and require to be clarified as at no stage has the rear of the building in the previous application been 12m to the face of the back of the building. Indeed the current proposal makes the step back from 21 South Avenue increase from 2.8m, as marked on the approved drawings, to 3m. This is obviously not a large increase but the design now being a vertical face of 9.6 meters to 12.6 plus means this will be an overpowering and unacceptable mass of this very large building only 2m from the gable of 21 South Avenue.

Access and Traffic – South Avenue is an unmade and un-adopted private road which has its junction to the north of the access point to the proposed development. This single width road serves 15, 17, 17a 19, and 21 South Avenue along with Armstrong Boarding Kennels. South Avenue continues to the West, again unmade and un-adopted and is currently unusable meaning that all access to the proposed site and existing properties is from the North Deeside Road junction. Increasing traffic on to this junction will put pressure on an already difficult junction. The South Avenue exit sits opposite the busy Church hub / McCartney Stone residential junction and immediately adjacent to the access to Cults Court to the East. Additional traffic to this single lane access will heighten the safety issues to an already tricky manoeuvre and increase the potential for traffic queuing on North Deeside Road while waiting to turn into this very narrow single lane access road.

Additional traffic, especially construction traffic, to South Avenue will further affect the condition of the surface to the detriment of the existing residents.

It is surprising to see that the Council's Roads department have made no comment on the parking arrangements as there are a number of areas where we would question the safety and usability of some of the spaces.

The parking arrangements to the rear are very tight and brings into question the practical use and number of usable spaces provided. One space clearly encroaches on the existing hedge and towards the opposite end of the parking court where the spaces are located at ninety degrees to each other no allowance has been made should any car overhang without the loss of a space.

In regards to safety the location of the 1800mm high timber fence to the rear of the bins is questionable - does this still provide adequate visibility to ensure there is no conflict between cars entering the site and reversing out of the proposed spaces? Can you also clarify what measures would be in place to ensure the safety of those entering our client's property and occupants reversing out of the proposed spaces?

Security of motor and cycle parking - The provision of the 1800mm high timber fence to the rear of the cycle and motor spaces creates a security issue as these won't be overlooked by the residents.

Parking - parking seems to have been provided on the basis of four 1-bed flats. On the face of it that may be initially considered reasonable but given the scale of the properties we don't believe that to be the case. These properties are each the size of a 4-bedroom house so in theory could accommodate many more residents than the number of bedrooms suggests. In any event at least one of the parking spaces is not viable as it would lead to the loss of a communal hedge (and consent for its removal would not be forthcoming) and the parking for motorcycles and bicycles does not provide for safe access for them or the pedestrians who may be sharing the pathway that these vehicles have to cross.

Amenity – there are several issues with the design that will have a serious detrimental impact on the amenity of the area and adjacent neighbours

- **Parking** – The current proposal indicates the parking layout being formed by the removal of the hedge between 19 and 21 South Avenue. This is a joint boundary and removal or damage to the existing hedge will not be permitted by the joint owners at 21 South Avenue. This will require the layout to be revised to ensure the hedge is maintained. Although the plans indicate the parking area to be 'grass' coloured this is a grasscrete finish which in general will be a concrete finish as regular use kills any chance of grass growing. This makes the parking and access area a harsh, hard surfaced area. The reversing and exiting of cars will be a dangerous manoeuvre as they will back out onto the shared access with 21 South Avenue. We cannot see how the turning manoeuvres will be carried out safely.
- **Overlooking** – The full length balconies are of concern for overlooking of the adjacent properties and in particular the garden area of 21 South Avenue. This is unacceptable in terms of design and will require to be re-designed to mitigate any overlooking of the properties. This also applies to the north facing windows which overlook the rear garden of 21 South Avenue.
- **Existing Hedge** – The existing hedge, a joint boundary, will require to be maintained in full to ensure that the privacy of 21 South Avenue is maintained. No permission for its removal will be granted by my clients.

Construction Impact – The proposal as submitted cannot be built on the East boundary without the closure of South Avenue to accommodate scaffolding. This is totally unacceptable as this is the only functional access for 15, 17, 17A, 19, 21 South Avenue and the Armstrong Boarding Kennels. This access is also required for refuse collection and emergency vehicles at all times. The part of South Avenue to the East is an un-adopted section of road which is unpassable for most vehicles. Given the access constraints and necessity of continuous access at this part of South Avenue we can't see how the proposed building could be constructed in its proposed location. South Avenue must remain open at all times.

There is also concern that the construction zone to the West boundary is too tight for construction scaffolding without impinging onto 21 South Avenues land. Further clarification of how the applicant proposes to overcome this major constraint to construction is absolutely necessary.

Precedent – The proposal presents a dangerous precedent and context for the ongoing densification of this part of Cults. South Avenue presents a clear separation between the more dense central Cults area and the suburban west, with its lower densities and larger plot sizes. If this application is approved then we can see significant pressure for similar developments in this area.

Servicing – This does not seem to have been considered for larger vehicles as they cannot turn within the curtilage of the application site. With 21 South Avenue having unrestricted access rights at all times it is not acceptable that deliveries block this access at any time and confirmation of servicing requirements is required. This is also applicable to any potential construction traffic and a clear and safe access must be maintained at all times therefore confirmation on an access strategy is required before any decision is made. Given that these properties will also require servicing vehicles to access the site for deliveries etc. that a swept path analysis is provided to ensure that servicing this site does not impinge on the accessibility or safety of my client and their property.

Previous Consent – the applicant makes much of the previous consented house to support their new proposal's scale and form. This should be discounted and the proposed development dealt with on its own merit. This is a flatted development and not a single house. It's also larger with a greater requirement for servicing and parking as a result. These impacts alone in this area of Aberdeen are enough to warrant a refusal.

It has also been brought to my attention that there may be issues with the ownership of the site around the location of the proposed bin stores. If that is the case then that proposed location is not deliverable.

Review of Proposals against Planning Policy

ACC have only very recently approved the adoption of the new Local Development Plan. All planning decisions must be made in the context of its policies unless strong material considerations suggest otherwise. In this case the policies and supplementary guidance are at their strongest and up to date. In that respect the following policies apply:

Policy D1- Quality Placemaking by Design - All development **must** ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

We don't believe that the proposal does take account of its context or create a strong sense of place. It looks out of place, is too large and does not fit within the pattern of development that surrounds it. **It is therefore contrary to Policy D1 and should be refused.**

Policy D2 – Design and Amenity - (4) When it is necessary to accommodate car parking within a private court, the parking must not dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in high density schemes – in this case the 50% limit is breached **contrary to policy D2.**

Policy D4 – Historic Environment - *The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It will assess the impact of proposed development and support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes.*

Although at the edge of a Conservation area the historic boundary wall and the fact that it is the dominant feature as you enter the Conservation Area from the West will be clearly affected. The wall is part of the historic character but so too is the fact that houses in this location sit well back and are hidden to a great extent by the wall. The proposed flats are tall enough to have a major impact on that character by appearing well above the wall and closer to it than other houses along this part of North Deeside Road. As a result the proposed development will not preserve and enhance the Conservation Area and is **contrary to this policy too.**

Policy H1 Residential Areas - *Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:*

- 1. does not constitute over development; in this case it does.*
- 2. does not have an unacceptable impact on the character and amenity of the surrounding area; in this case the character and amenity of the area are seriously eroded*
- 3. does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010;*
- 4. complies with Supplementary Guidance – this is considered below but we believe that many of the requirements of SG are also undermined*

As a result the proposed development is Contrary to 3 out of 4 requirements of this policy and should be refused.

Supplementary Guidance: The Sub-Division and Redevelopment of Residential Curtilages - This is the Council's general guidance covering the complete redevelopment of existing dwellings by new dwellings. It sets out guidelines on a number of topics (policy guidance is shown in italics with commentary following each element):

Built Form and Townscape

- The location and size of any new dwellings must be in keeping with the established spatial character and built form of the surrounding area – this is clearly not the case in this instance.*
- New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces (gardens etc.) - The application intends having the West gable closer to 21 South Avenue than that approved under the previous application P141049. This will give rise a significant mass closer to the existing application which will be very dominating and oppressive.*

- *The scale and massing of the any new dwellings should complement the scale of surrounding properties* - The scale and massing is totally out of character to the nearest properties to the West of South Avenue which consist of a mixture of bungalows, 1 ½ storey and 2 storey houses. Reference is made to the flats at Cults Court which are higher however they are within the more built up Eastern side of Cults.
- *The density of the surrounding area should be reflected in the development proposals for the new and existing property* - this is simply not the case. The density of this part of Cults is characterised by single houses in large plots, usually 1.5 to 2 storeys in height.
- *As a general guide, no more than a third (33 per cent) of the total site area for each individual curtilage should be built upon* – check?
- *New dwellings should generally not project forward of any established building line* – again, the proposal breaches this rule as the established building line is closer to that of no.21.
- *The distance between proposed dwellings, and between proposed and existing dwellings, (i.e. between gable ends) should be similar to that predominating on the street* - again, the proposal is in breach of this part of the guidance. The gables are significantly closer than that predominantly in the streetscape but also closer than even the approved single house;
- The ridges or wallheads of any new dwellings should be no higher than the ridges or wallheads on adjoining dwellings - Again, the proposal conflicts with this part of the guidance.

Design and Materials

High quality design and materials which enhance the appearance of the surrounding area, or that provides an attractive contrast to surrounding buildings, will be encouraged. Particular care will however be necessary to ensure that any new dwelling incorporates design elements and materials that do not have a detrimental impact on the character of the area. Facing materials should be of equal or higher standard than that of existing dwellings.

In areas where granite architecture predominates, all elevations of new development that would be prominently visible from the street (including gables) should be finished with natural granite and the main roof should be of complementary natural roofing materials (almost always natural slate). An exception may be made in circumstances where a particularly high quality modern design is proposed.

The palette of materials being used on the proposed development is totally out of keeping with the character of the area. The site sits on the edge of the Conservation area is suggesting the use of materials that will ‘contribute to the visual character of the place’. The choice of materials of clay brick and Scotlarch are totally alien and out of keeping within the residential area and due to the mass and height proposed would be detrimental to the character of this part of Cults.

Amenity

We feel that the current proposal falls short on meeting the guidelines for Amenity and Design:

- Good design and amenity looks for Residential developments to have a public face to a street and a private face to an enclosed garden or court. The proposals put forward have ignored the policy by putting private garden space to the North of the development and facing the busy North Deeside Road. They have mentioned how this reflects the garden space at 21 South Avenue however this is incorrect as 21 also has private space to the quieter south. Beyond that the proposals are looking to raise the level of the private garden space up by some 1.5m from original levels, making this space heavily overlooked from Cults Court and transport on the North Deeside Road. The original character of the area sets garden space and the buildings down behind the historic walls to give privacy and reduces traffic noise. This important streetscape element has been ignored in the current application.
- The most beneficial private open space on this development is limited to the south and has parking dominating the space. The proposal looks to accommodate car parking within a private court to the South of the scheme which dominates this space. Over 50% of the area provided is taken up by parking spaces and access roads giving poor private space to the rear. This private space is also overlooked by the balconies of the other three flats reducing its usefulness in both amenity and operational senses.
- The development, although is taking the opportunity to create views to the south, has ignored the overlooking issues to all neighbouring properties and as a result is considered to be completely unacceptable as a result.
- The Development proposals design in setbacks and areas secluded from sight that heighten opportunity for crime not only to the proposed development but for 21 South Avenue as well.

No consideration seems to have been given to residential amenity with regards to light spillage/pollution from the full glass frontages and balconies that overlook adjacent properties. This part of Cults enjoys limited light pollution at present and this development will completely alter that character and adversely impact on the local amenity.

New residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sun lighting. – The proposal does impact on the amenity and privacy, overlooking and daylighting of neighbouring properties and is **therefore contrary to this particular requirement.**

Likewise, the new development should be afforded a reasonable amount of amenity in line with the prevailing characteristics of the surrounding area. – as a result of overdevelopment of the site the amenity of the proposed development is reduced and **certainly not in line with the prevailing characteristics of the surrounding area.**

Any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings. – again, the proposal contravenes this part of the guidance as both north and south facing habitable rooms overlook the neighbouring private garden spaces .

Garden Ground

Rear gardens of houses up to two storeys in height should have an average length of at least 9 metres and dwellings of more than 2 storeys should have garden lengths of at least 11 metres. It will not be acceptable for private garden ground to be situated at the street frontage of a property where it is close to / overlooked from a road. Private garden ground should also not be located under the canopy of trees or in a location that is excessively shaded by vegetation or buildings. It must also not be directly overlooked by windows of habitable rooms of adjoining residential property.

The applicant should provide an overshadowing study to examine how this building affects the site and its neighbours. We strongly suspect that a lot of the northern garden will be in shade for a significant period of the year as a result of the height and mass of the proposed development. If that is the case then it also contravenes the general principles of the above requirements for usable unshaded open space.

Trees

Trees make a valuable contribution to the landscape setting of urban areas. Care should be taken to position new buildings to minimise potential disturbance to the root system of the tree canopy. The loss of mature or attractive garden ground or trees where it is considered to make a significant contribution to the visual amenity of the neighbourhood will not be acceptable. If trees are to be lost, replacement planting will be required to mitigate the loss. Policy NE5: Trees and Woodlands, and the Trees and Woodlands Supplementary Guidance provide more information.

The impact on existing trees is not clear from the proposal. What is clear is the potential loss of an 80 year old hedge to the south west boundary if the proposal goes ahead as planned. Hedges have significant wildlife and ecological value and should not be lost where possible.

Submission Requirements In addition to the site/location, elevation and floorplans, the following information is required in order to fully assess a planning application to redevelop a residential curtilage:

- *where new dwellings are proposed that either adjoin or sit between existing properties, a street elevation to a recognised scale so as to illustrate the relationship between the proposals and existing properties – this requires additional and properly dimensioned street elevations that accurately reflect the properties around this site. Number 21 is not shown accurately and we have already mentioned the differences between drawings and dimensions for this and previous applications,*
- *daylight and sunlight calculations and illustrations based on the BRE Information Papers on Site Layout Planning for Daylight and Site Layout for Sunlight and Solar Gain. – this hasn't been provided and given the scale of the development and its impact on my clients' property then this will be required, certainly to demonstrate the negative impact on the daylight and sunlight currently enjoyed by number 21*

HALLIDAY FRASER MUNRO LIMITED

Bringing all of this together my clients are of the view that the proposal contravenes most of the policy aims and objectives of Aberdeen City Council's recently adopted residential design and planning policies. In all aspects it's too large, doesn't respect the existing context or density, impacts significantly on my client's privacy and amenity, impacts on the neighbouring conservation area, the proposed car parking won't work, relies on an existing substandard access onto a private narrow road, and will set a dangerous precedent for further densification of this part of Cults.

Worryingly too there seems to anomalies between drawings, measurements, site areas and building heights. These need to be resolved to allow a full a proper consideration of the proposed development.

Regardless of this the proposal is so far away from the principles enshrined in the Council's residential, design and other policies mentioned in this letter that it should simply be refused. The previous planning application for a single house pushed the boundaries of planning policy and this proposal extends them even further.

I would also request that your Roads colleagues review their initial consultation response on the basis of this letter and specifically the single lane access to the site and the operational and safety issues raised in respect of the rear car park. The issues set out in this objection may not have been obvious on first inspection.

Given the lack of clarity in some of the information provided with this application I reserve the right on behalf of my client to make further comment should additional clarification or supporting information be lodged.

Yours faithfully,



STEVE CRAWFORD
REGIONAL DIRECTOR PLANNING
FOR AND ON BEHALF OF HALLIDAY FRASER MUNRO

Encs.

Comments for Planning Application 161721/DPP

Application Summary

Application Number: 161721/DPP

Address: 19 South Avenue Aberdeen AB15 9LQ

Proposal: Erection of 4 No residential flats and associated car parking

Case Officer: Dineke Brasier

Customer Details

Name: Mr Graham Mcleish

Address: 33 Cults Court Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There does not seem to be any way of changing my previous comment. My previous comment should obviously say three balconies and not six.

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Comments for Planning Application 161721/DPP

Application Summary

Application Number: 161721/DPP

Address: 19 South Avenue Aberdeen AB15 9LQ

Proposal: Erection of 4 No residential flats and associated car parking

Case Officer: Dineke Brasier

Customer Details

Name: Mrs Alison McPherson

Address: 36 Cairn Road Bieldside Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This development is wholly inappropriate for the plot of land, not only in size and height but also in the materials to be used. The developer is trying to associate the building with neighbouring flats even though it is in an already established enclave of primarily 1 1/2 story detached homes and as such any development should be in keeping with and respect the existing homes. The materials proposed give the impression of a large shed which will be obvious from the road and out of place on the main route to Royal Deeside. The flats are large 1 bedroom flats and as such may well attract couples who could each have a vehicle making the car parking provision inadequate. At such a size the flats may in the future be converted to 2 bedrooms leading to parking issues. The additional car usage will add to the existing road problems as the are junctions to Florence court and Cults Court in very close proximity. There are already car parking problems along North Deeside Road especially when the Community Centre has activities. Considering the large size of the development I wonder how it will be built without destroying surrounding walls.

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Comments for Planning Application 161721/DPP

Application Summary

Application Number: 161721/DPP

Address: 19 South Avenue Aberdeen AB15 9LQ

Proposal: Erection of 4 No residential flats and associated car parking

Case Officer: Dineke Brasier

Customer Details

Name: Miss Jenny McPherson

Address: 31 Cults Court Cults Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the proposal due to:

Privacy

Our flat in Cults Court is directly to the east of this proposal. We have large double windows in our living room and our kitchen which will look directly at these flats. The plans say there will be vertical timbers to protect privacy, however this will protect the privacy of the occupiers of the proposed flats. This will not stop them looking directly into our home and impacting significantly on our privacy. I am also concerned at the loss of privacy from the balconies, which again have a direct view into our home. I am also unsure of the exact window to window distance, but I feel it will be very close.

Height

The planning document says they are asking for the height to be "marginally higher than the building previously approved". I believe it is significantly higher, over a metre. However, the biggest impact will be that in the previous plans the height was for the very top peak of a pitched roof. So although it was high, it was only that height at one point (from the side). In this new proposal the height is not just at the top of the pitched roof but is the height the entire length of the building. This is a massive change from the previous planning application.

Overshadowing

Due to this change in height and shape of the building I would like to ask that a sun study is completed. Our flat is on the first floor and this building will be significantly higher than us. Currently our flat is very bright and airy as we get the sun in the afternoon and evening. Due to the shape and height of the proposed flats I am concerned that it will block most of the natural light and sun from our property. This is a huge concern as it will change the feeling of our home and it

may no longer be bright and airy but feel dark. Although I understand we have no right to a view, I do find it frustrating that the documents discuss how they will build the proposed flats to have a view of the Deeside Valley. To do this means to take away our entire view, not just blocking some of it. If this proposal is accepted all we will see now from our flat will be a large wooden box that is both longer than and taller than our home.

Noise

We are concerned about the noise, particularly from the balconies.

Design

We also have concerns about the design of the property. Firstly we do not believe it is in keeping with the local area at all in design or size. Although there are other flats in the area, including ours, I feel that after Cults Court it becomes very much residential homes. Cults Court was also build many years ago around an already large building (the old school). It was not build on what was the plot of a small house, neither were other developments in this area. Generally Cults is a residential area for families and it should remain this way, otherwise it will change the community. Secondly I feel the proposal for 4 one bedroom flats that are approximately 150 metres squared to be surprising in the current market. There will be a limited number of people that will be looking for a large and therefore expensive 1 bedroom flat in Cults. This makes me suspicious as to whether the plans will change or if these flats will end up being 2 or more bedrooms. Which will then have a further impact on other concerns like parking, noise and road concerns.

Road

The junction between South Avenue, Cults Court and Florence Court is already a difficult one as all 3 junctions are so close. Adding more cars coming up and down South Avenue on a regular basis is a real concern as I feel this junction is already an accident waiting to happen on an already busy North Deeside Road.

Inaccurate Planning Documents

I believe the planning documents are misleading. The plot size from this proposal to the previous proposal is different. The plans show that at one point the wall on South Avenue will be taken down as the wall of the building is there instead and this is not shown on the computer generated images, making it look like it is not as close to our flat. The computer generated image also shows large trees down the length of Cults Court, making it look like we will not be able to directly see this large block of flats proposed This is also not true. There are 2 large trees at the very top beside North Deeside Road, then a row of about 5 small trees. Even in summer when the trees have leaves on we have a direct and uninterrupted view into the plot of land, which is in no way blocked by any trees.

Parking

We feel the parking in the proposals is inadequate. We already know how difficult parking can be as this is already an issue in Cults Court. Many people have their own cars and if there are 2

people with their own cars living in each flat there will not be enough parking, let alone for visitors. We have already found that people visiting Florence Court and builders working on another house build on South Avenue have been parking in Cults Court. So we are concerned about more people parking in Cults Court due to the lack of parking available in the proposed flats.

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Comments for Planning Application 161721/DPP

Application Summary

Application Number: 161721/DPP

Address: 19 South Avenue Aberdeen AB15 9LQ

Proposal: Erection of 4 No residential flats and associated car parking

Case Officer: Dineke Brasier

Customer Details

Name: Mr Ross Yule

Address: 31 Cults Court Cults Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the proposal due to:

Privacy

Our flat in Cults Court is directly to the east of this proposal. We have large double windows in our living room and our kitchen which will look directly at these flats. The plans say there will be vertical timbers to protect privacy, however this will protect the privacy of the occupiers of the proposed flats. This will not stop them looking directly into our home and impacting significantly on our privacy. I am also concerned at the loss of privacy from the balconies, which again have a direct view into our home. I am also unsure of the exact window to window distance, but I feel it will be very close.

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Comments for Planning Application 161721/DPP

Application Summary

Application Number: 161721/DPP

Address: 19 South Avenue Aberdeen AB15 9LQ

Proposal: Erection of 4 No residential flats and associated car parking

Case Officer: Dineke Brasier

Customer Details

Name: Mr Owner boarding kennels kennel 1 Armstrong

Address: West cults lodge 17 south avenue, cults Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As owner of the kennel business I object to the flats being erected as they are being built on land that does not belong to the developer at the south end of the plot.

The developer demolished a wall that was not in the sale of the 19 plot.

The developer was not allowed to remove tress but that has been done.

The flats are not to be built as they are not in common with the rest of the houses with south facing odd door numbers as the houses are all detached houses of one or two storeys.

The development is for 4 storeys which have windows and balconies which will look directly onto the bedrooms of 17 and 17A south avenue's bedrooms which will impact seriously on the occupants of 17 and 17A.

The development has car parking for 6 cars which will impact on all the houses at 17, 17A, the kennels business for access to and from these sites.

The development will cause severe disruption during the building of the flats which will impact on the kennel business which require clear access to and from the business 7 days a week.

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Comments for Planning Application 161721/DPP

Application Summary

Application Number: 161721/DPP

Address: 19 South Avenue Aberdeen AB15 9LQ

Proposal: Erection of 4 No residential flats and associated car parking

Case Officer: Dineke Brasier

Customer Details

Name: Mr Douglas Armstrong

Address: Armstrong boarding kennels , kennel 2 17 south avenue, cults, Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As owner of the kennel business I object to the flats being erected as they are being built on land that does not belong to the developer at the south end of the plot.

The developer demolished a wall that was not in the sale of the 19 plot.

The developer was not allowed to remove tress but that has been done.

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Comments for Planning Application 161721/DPP

Application Summary

Application Number: 161721/DPP

Address: 19 South Avenue Aberdeen AB15 9LQ

Proposal: Erection of 4 No residential flats and associated car parking

Case Officer: Dineke Brasier

Customer Details

Name: Mrs Sheila Small

Address: 17a South Avenue Cults Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:17A

The new proposal will impact significantly on the character and amenity of the immediate vicinity for all residents neighbouring to 19 South Avenue.

Since the owner of 19 has demolished the existing property there has already been significant impact on all residents directly using the entrance and driveway belonging to the owner of West Cults Lodge due to the damage of the driveway entrance caused by heavy plant machinery requiring access to an extremely challenging access site with a 90 degree turn and lack of space for parking as access must remain open to allow access for all other residents.

This has been challenging with site traffic choosing to block the entrance, driveway for all and access to 21 South Avenue over the bottom portion of 19 . It has been very difficult during this 2 year period. Also due to the nature of this site the developer and builders have been parking on private property surrounding this site and blocking use of the public access via South Avenue. The developer damaged the southern wall, bounding his site from the access driveway and consequently after felling trees on his site further damaged this wall making it dangerous demolished this wall which formed the entrance to West Cults Lodge whose owners have yet to be compensated for and no offer to rebuild has been offered by the developer.

There has been complete felling of all existing trees on this development site known as 19 South Avenue since the present developer took ownership, even although it was intimated on his previous application for retrospective planning that all trees would be retained.

With a development of this size proposed this could only be significantly worse and totally unacceptable for all other owners and residents directly located within this area of the Western end of South Avenue.

South Avenue odd numbers have remained single family residences historically and it would be in

the interest of the character to remain so.

The privacy to the bedroom windows at 17a have already been seriously compromised by the developer not retaining the established trees on his site and with the renewed application property being wider, higher and an increase from single dwelling to 4 separate large apartments this will have a serious detrimental effect to privacy of the property directly South with 4 balconies extending the full width of 13.75m overlooking along with a wall of total windows. The original screening to 17a has been completely removed by the developer.

The roads department have advised 6 parking spaces of which there is no space allowance on the developers site without going against the right of access to 21 South Avenue, driving through parked cars not really observing this right.

Another point to raise is that the positioning of the bins, an eyesore to this private driveway appear to be placed south of the 52m boundary. In other wards not on the developers own site but on the driveway of West Cults Lodge. This area is not a lane. This is not acceptable.

Flooding to the pathways at 17a has been occurring on a regular basis, only since the developer demolished the existing house, felled trees, demolished a boundary wall, added a second access to water and raised the level of the land. Also the developer has built a retaining wall to the north west boundary with the garden ground of West Cults Lodge, removed the hedging bounding 21 at the north west beneath the newly built retaining wall and generally used the site for he burning of waste removed from elsewhere and taken to his site.

The fencing built to surround this site has been removed entirely.

The application information is entirely misleading and without a visitation to this site to establish exact boundaries with existing residents and explanation given on this quiet residential single family home character and access arrangements allowable to them via disposition historically feel that planners are not in full view of the facts and fully aware of the restrictions on a development of this size on the site size in relation to other properties and business based here.

Comments for Planning Application 161721/DPP

Application Summary

Application Number: 161721/DPP

Address: 19 South Avenue Aberdeen AB15 9LQ

Proposal: Erection of 4 No residential flats and associated car parking

Case Officer: Dineke Brasier

Customer Details

Name: Mrs Carolyn Armstrong

Address: West Cults Lodge Cults Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Historically this developer has gained retrospective planning for this site which was fully discussed with us as owners of West Cults Lodge but he has failed to build a property during this time 2 years since approval, and not kept his word as stated with the previous application to retain all existing trees on site. These are fully visible in photos the planning department received on the planning application in 2014.All trees have been felled on site so to state no trees to be removed is accurate on this application as he removed them all as soon as the site was purchased in 2014 as a pre action prior to gaining retrospective planning approval.The developer has removed therefore the natural privacy barrier which also alleviated noise from this site and light infiltration from street lighting and properties to the North security lighting. This was part of the character and amenity of this location and has been spoiled terribly by these actions. He also felled trees on neighbouring land without the written consent of owners. This was to allow e views he so desired. No pre discussion has taken place with regard to this latest application.

He has prevented water reaching our garden ground to the North of 21 South Avenue by switching it off. He has built a retaining wall on the boundary here without seeking our permission or even discussing.

He has also demolished the wall serving as a matching set to the entrance of our property West Cults Lodge at the boundary of his site and our driveway, not a lane as intimated on his new application. The wall had been previously damaged by builders and the company felling all trees on his site. He then chose to demolish without permission and to date has not rebuilt or offered compensation. This wall curved inwardly and the reinstatement will take place which will make the new plan impossible to carry out as there is no space for bins here nor space for a fence as required by the developer.

This new application presents information to planners that are not representative of the boundary and access arrangements in place. The insistence by roads for 6 parking spaces sparks concern

when 4 flats are presented with extremely large metre squared, the equivalent of 3 bed properties not 1 bed flats. They look internally to be easily made into 2 bedded properties for example. I feel as these plans do not appear accurate in terms of land ownership then a visit to this site with the owner of the access entrance and ownership of private driveway is essential, in order to demonstrate accurately the situation in reality to this site.

The plan for parking is essentially on land required for permitted access to 21 South Avenue and therefore not at all feasible. The plan demonstrating a permanent wheelie bin or bins is placed South of the extent of 52m boundary pier and is therefore on our land, our driveway. This can never be acceptable.

The plan itself is inaccurate demonstrating an east and west elevation the wrong way round which does not demonstrate to neighbours the integrity of the design offered and again demonstrates an inaccuracy in design.

CHARACTER and AMENITY

The character of this private ground to the West of South Avenue is seriously undermined by this plan to increase 1 property to 4 properties, flats from the already agreed single family home. This will adversely affect not just this setting but the amenity and access to other residents here.

The privacy to 17a is seriously impacted due to this design and the bedroom window of 17 will be visible from 4 balconies, therefore causing privacy issues.

Historically homes with odd numbers have been retained as single family homes in South Avenue and this should continue to preserve this character in perpetuity as flatted properties out with this west end area of South Avenue have been continuously affecting the character and amenity of longer term residents such as us, a family of 5.

The destruction That has already taken place along with the noise and nuisance from works on site, intimates a developer not interested in maintaining the desirable character and amenity of this residential immediate vicinity.

SITE

The site is not bounded by a lane to the south but a private driveway with permitted access to all other residences and kennels. 19 does not have direct access from public roads and to increase traffic by allowing access to 4 further properties is excessive. No 21 also has access arrangements through this way and has further legal access arrangements across the area of land to the south side of this application site. This is essential to the Es and egress from 21.

The site is currently used by the owner to burn rubbish from elsewhere and has a toilet built on site. Photos of this unsecured site demonstrate the eyesore it has become,

Within the immediate vicinity lie single family dwellings and a kennel established more than sixty years ago.

It is not desirable to have a block of flats at this location overbearing the adjacent property 21 and southern bungalow at 17a.

The applicant states that vehicular access will be taken from South Avenue but does not state that residents of these flats would cross via a private driveway, increasing the burden to the owners of that land further.

The finish of the building in question of brick and larch does not fit the environs here. The size, height and width of this property is too dense and gives overlooking and privacy issues to 21, 17 and 17a South Avenue.

This proposal would if built detract from the character and amenity of the direct vicinity and result in a reduction of value of surrounding properties. The size and extent of this proposal is not desirable and does not give consideration to the context. This will not contribute positively to the setting in the way the planning for 1 family home allowed. It fails to provide a building appropriate to the locus.

Privacy is seriously undermined by the volume of southern windows and 13.75m wide 4 storey high balconies.

21 South Avenue has amenity space South and garden space North. This is not reflected here.

Parking will dominate the southern space and negate legal access arrangements for 21.

Flooding to 17a has become a serious problem since this developer took ownership of the site as he added a second access to the mains and has prevented water access for the northern greenhouse for West Cults Lodge.

The destruction of all trees on site is despicable.

There is privacy issues with bedroom windows of 17 and 17a being severely compromised by the volume of South facing windows on the plan and quadrupled residences.

Land level has been increased by the developer and so overall height compared to the original existing property will be substantial.

ACCESS

With regard to the servitude right of access from South Avenue, over the driveway access belonging to the owner of West Cults Lodge, as described in the disposition in 2014 and as described in the Register of Sasines 1988, relative to I object strongly to the increase in access traffic created by the ncrease in residential accommodations from a single family home to 4 separate dwellings. this new plan will further increase the volume of traffic through and along this portion of private driveway to the detriment of private owner and which could result in a danger to other residents including the elderly and children who use the entrance for both pedestrian and vehicular access to their own properties and for the increase in potential blocking of said entrance as already suffered by the residents neighbouring this building site at 19 South Avenue when demolishing the existing house, prior to retrospective planning being granted. The replacement

single family home already granted permission and discussed with the owner of 19 seemed entirely suitable.

Miss M Simpson
11 Brimmond Way
Westhill
AB32 6XW

3 January 2017

Aberdeen City Council
Planning Department

Dear Ms Brasier

Application Reference – 161721/DPP
Address – 19 South Avenue Aberdeen AB15 9LQ
Proposal – Erection of 4 No residential flats and associated car parking
Case Officer – Dineke Brasier

I refer to the above planning application and submit the following representation:

Figures available from the Royal Institute of British Architects (RIBA) indicate that the average UK one-bedroom home is 46 sq m. RIBA found the average UK three-bedroom home is 88 sq m.

In this planning application we are given to understand that each one bedroom flat will have a floor area of between 147 and 153 sq m, i.e. well over one and a half times the floor area of the average UK three-bedroom home.

In addition, plans for each one bedroom flat show two bathrooms, one being adjacent to a dining room large enough to accommodate seating for eight people which implies it is of a size suitable for use as a bedroom and of a design that facilitates partition from the lounge.

Although dimensions have not been supplied, the utility room appears large enough for use as a further bedroom, either in its present configuration or by minor changes to internal walls.

It is not unreasonable to be concerned that what the developer describes as being one bedroom flats are of a size and design with potential and/or suitability for use as two or three bedroom properties with a consequent impact on the amenity of the site.

Is it legitimate that a property be classified as a one bedroom flat when it has the size and characteristics of a much larger property?

Is it incumbent on the council to validate that, should such a development proceed, its extended use will be in accordance with the one bedroom properties detailed in the proposal?

Relevance of precedent

The developer has cited a number of nearby three storey developments, presumably as precedent for their proposal.

None of these feature a restricted walled lane access as is evident in the proposed development at 19 South Avenue. South Avenue has effectively only one direction of access from the main road as the remaining section of road running from the proposed development to School Road is only

partially surfaced.

In the cited properties alternatives exist in the event of access being required for large commercial vehicles or in the event of vehicle breakdown blocking access to the site.

The developers also draw attention to the modest parking provision in some of these other sites, apparently in justification for the 6 parking spaces mentioned on the supporting planning statement. (Note: The developers plan shows that hedging compromises one these parking spaces so that only 5 appear useable).

This does not take account of the fact that vehicles attempting to access the proposed parking area cannot see whether parking spaces are available until they are in a confined space with limited manoeuvrability. No vehicle turning area appears to be incorporated into the plan.

Should all the spaces be occupied then vehicles will need to traverse the single track lane to the main road, causing further congestion at either end of the lane.

It is reasonable to suggest that there will be situations where drivers entering the lane from North Deeside Road will have no choice but to reverse back on to the main road due to oncoming traffic coming up the lane.

I assert that the parking provisions at 19 South Avenue create difficulties and safety concerns that do not exist to the same extent in the other developments cited by the applicants, which includes provision for access and egress of the emergency services.

Daylight issues

The applicants images of the completed development indicate a line of large mature trees running parallel to the access lane. The impression conveyed is that natural light is already shielded from Cults Court. This is not in fact the case. While there are large mature trees at the upper and lower end of the lane, the area between enjoys natural light from the west.

There is not sufficient space in this area of Cults Court to accommodate large trees, therefore the proposed development will have an adverse effect on daylight.

Noise & privacy

The fact that Cults Court cannot effectively be shielded by trees from the proposed development, combined with balconies which afford a view over neighbours, creates noise and privacy issues. The developer has drawn attention to other developments in the area with balconies.

However a direct comparison is questionable due to the relative proximity of neighbours in the confined space occupied by the proposed development.

Height of building

The developer draws attention to the fact that the height of the proposed building is only marginally higher than that approved for the site and compares favourably in scale to the one and a half storey dwelling house that formerly occupied the site.

It seems reasonable to be concerned that whereas the former dwelling house had a pitched roof, the extended roof line cube shape of the proposed development will have greater impact on the amenity of the site.

Yours sincerely

Margaretha Simpson
11 Brimmond Way

[REDACTED]

The Planning Department,
Aberdeen City Council,
Marischal College,
Aberdeen.

11, South Avenue,
Cults
Aberdeen AB15 9LD
29. 12. 16.

Dear Sirs,

Residential Development
19, South Avenue, Cults.

I wish to register my objection to the above development on the following grounds.

1. The scale of the development is totally inappropriate for the size of the site. It is a small site for which I understand that planning permission already exists for one bungalow. This is the correct decision.

2. The height of the four story block of flats is out of proportion with other buildings. The argument may be put that the blocks of flats in Cults Court are also high so a precedent has been set. They, however, are on a large site dominated by the old school building so the scale here is acceptable.

3. The flats would completely overshadow the adjacent bungalow. They would also block light to the flats in Cults Court which have west facing windows.

4. I do not know if design and use of materials are valid points for objection but the appearance is alien to the existing properties

around the site. Fifteen South Avenue has recently been rebuilt but in a sympathetic manner using granite and a slated pitched roof. The proposed block of flats is just plain ugly. The extensive use of timber cladding may be cheaper than granite but should have no place in South Avenue which has some of the oldest houses in Aults.

5. Drainage. Each flat has three waste water outlets - a total of twelve. The existing drain will have been designed for two bungalows. It will not be capable of carrying larger volumes.

6. Access to the site is from a mutual drive which cannot be blocked. I cannot see how building work can be carried out without blocking it.

7. One wall of the stairwell appears to be built upon the existing wall on South Avenue. This would involve the closure of South Avenue for considerable periods causing unacceptable disruption.

8. The site can only be accessed from the unadopted end of South Avenue. Heavy lorries, cranes and construction traffic will damage the surface. It must be a condition of ANY planning consent that the developer must, on completion, have South Avenue repaired, free of potholes and surfaced properly compacted material before a completion certificate is issued.

I ask that the application is rejected.

Yours faithfully,



From: Alastair Green
Sent: Sun, 1 Jan 2017 19:01:24 +0000
To: PI
Subject: Planning Application 161721 - Objection
Attachments: 21 S Avenue Planning Application Objection -Submission.pdf

Sirs

I formally submit my objection to the planning application 161721 – Erection of 4 No residential Flats and associated Car Parking at 19 South Avenue , Cults, Aberdeen AB15 9LQ.

My objections are that the application does not meet the requirements of the Aberdeen Local Development Plan and are detailed below and copied in the attached pdf file.

Notice of objection from Alastair Green, The Greens, 15 South Avenue, Cults, Aberdeen AB15 9LQ

Site and Planning History

The application site was originally part of the plot for 17 South Avenue. This plot has been split into four and is enclosed within the original boundary walls of 17 South Avenue. Access to the site is shared with 17, 17a and 21 South Avenue. The application site is bounded on its north side by North Deeside Road, on its east side by South Avenue. South Avenue is an unmade/un-adopted road for the section that runs west from the gate of 11 South Avenue and up along the east boundary of the application site to the junction with the A93 North Deeside Road. See Photo 1 and Photo 2below



Photo 1 – South Avenue East view from site entrance



Photo 2 South Avenue – East boundary of application toward the A93 junction

The surrounding area is residential in nature.

The previously approved planning application (P141049) for this site was for a one-and-half storey building and had a residential curtilage of 766 m².

Level of Development

The scale of this property is totally at odds with the surrounding environment and specifically within the boundary of the original feu that the site sits within. This application for a four story building with a height of over 12 m is replacing a one-and-a-half story building and will sit adjacent to a single story house, a one-and-a-half story house and a two story house. Further, its curtilage of 875 m² is 14% greater than that approved under the previous planning application P141049.

This proposal is effectively a 15m by 14m box with slab gables, frontage and rear and would be visually dominant in the local environment. Resulting a significant and unacceptable detrimental impact on the character and appearance of the surrounding area.

The current subdivided plot at 17 South Avenue has an extremely low density which is at odds with the proposed development of 50 per ha which is seen as overdevelopment of such a small site.

The above points outline why the proposal contravenes Policy H1 of the Aberdeen Local Development Plan which states that any new development should not constitute overdevelopment, have an unacceptable impact on the character or amenity of the surrounding area.

Design/Amenity

Policy D1 of the Aberdeen Local Development Plan states that any new development must be designed with due consideration for its context and make a positive contribution to its setting. The proposed building is significantly different to the building approved under application P141049. The approved scheme had pitched roofs and a profile in keeping with neighbouring buildings. The recently completed house at 15 South Avenue, planning reference P140813, was required to maintain a roof line compatible to the adjacent properties by the Aberdeen City Planning Department. It seems difficult to understand why this requirement is not being applied to this application.

The proposed design will have a box like appearance; and its position with respect to proximity to the A93 North Deeside Road, within the walled boundary of the sub-divided feu ensures that

it will dominate its environs. This design is at odds with the adjacent properties and will not make a positive contribution to its setting. As such, it is in contravention of the Aberdeen Local Development Plan policy D1.

Further the proposed use of brick and scotch larch for the finishing materials is at odds with the finish on the surrounding properties. The previously approved application for this site, P141049, used materials that were more sympathetic with the character of the existing residential sites.

The glass frontage and balconies that extend across the entire width of the proposed property will create significant privacy failures as they will overlook directly into the properties at 15, 17, 17a, 21 South Avenue; 31-36 Cults Court and the properties at 469 and 469a North Deeside Road. This is in contravention of Policy D2 of the Aberdeen Local Development Plan.

Further, the glass frontage will also produce light pollution issues demonstrating the development has not been designed with the impact on surrounding properties in mind. It may well be possible to install low level unobtrusive external lighting but when the entire face of the property is a glass frontage there will be significant light pollution issues which will have an unacceptable detrimental impact on neighbouring properties, further adding to their privacy issues and contravening Policy D2 of the Aberdeen Local Development Plan.

Policy D2 also states that parking must not dominate the courtyard space. From the information provided it would appear that the majority of the space at the rear of the proposed property is car parking thus dominating the available courtyard space. The design has made no allowance for vehicles turning on the site when the parking spaces are being used.

Overall, this proposal has not been designed with due consideration for its context and should not be considered to be an acceptable addition to the site

Transportation

South Avenue from the A93 North Deeside Road junction to the site entrance and from the site entrance the entrance to 11 South Avenue travelling eastward is an unmade/un-adopted road.

As is detailed in Photo 1 the section running east from the site entrance is full of potholes of crater like proportions. These potholes are over 300mm deep, up to 5 metres long and wide in places making this section unusable for normal traffic. As a result, the sole access for residents in 15, 17, 17a, 19 and 21 is the section of South Avenue running south from the A93 junction.

This section of road is in poor condition and deteriorating through use and erosion from a recent water supply pipe burst. Approval of this application will double the traffic on this section and further add to the poor state and erosion of South Avenue to the detriment of all.

Access to the A93 from South Avenue is hazardous due to the incline, the potholes at the junction and the restricted views caused by the boundary wall of the site. Doubling the traffic at this junction will significantly add to the risk of an accident. I believe that this is in contravention of Policy T2 of the Aberdeen Local Development Plan.

I fully understand that construction issues are not normally recognised at the planning stage but in this case, due to the nature of the access issues, they must be taken into consideration. The design calls for the east gable of the building to form part of the east boundary with South Avenue.

To demolish the existing boundary wall and build the new gable will require substantial scaffolding on South Avenue and require South Avenue to be closed for a significant period. This will deny the residents of 15, 17, 17a and 21 South Avenue access to their properties. It would also make access for the emergency services extremely difficult as it would for any normal delivery services such as the Royal Mail. It will have an immensely negative impact on the kennels business that is run from 17 South Avenue where access is required on a daily basis.

The construction of such a large building will require access for a significant number of vehicles over a period of time with very limited space to park given the nature of the site. This will further add to the erosion and the state of the unmade South Avenue and have a significant negative impact on the residents of 15, 17, 17a and 21 South Avenue.

Overall, this will have an unacceptable impact on the lives of the residents of South Avenue and introduce unnecessary risk to traffic on the A93 North Deeside Road.

Precedent

If this application is approved, then the planning committee will be setting a dangerous precedent for the development of gap sites and construction of flatted properties in these gap sites. There is a number of these potential sites all the way from Cults westward to Milltimber and beyond. In these harsh economic climes, the potential opportunity may prove too strong for some current landowners to maximise on the value of their land.

Such development would have a significant impact on the character of the Cults and Milltimber communities, would not be of benefit to the city of Aberdeen.

Impact on trees

I note that a certain amount of site preparation has been performed with the felling of some trees. I would have assumed that any development would not result in the damage to established trees. No reference is made to the felling of trees in the application

Ali Green

Drumburn Energy Ltd

Mob: [REDACTED]

e-mail: [REDACTED]

PLEASE CONSIDER THE ENVIRONMENT DON'T PRINT THIS EMAIL UNLESS YOU REALLY NEED TO This email and its attachments may contain information which is confidential and/or legally privileged. If you are not the intended recipient of this e-mail please notify the sender immediately by e-mail and delete this e-mail and its attachments from your computer and IT systems. You must not copy, re-transmit, use or disclose (other than to the sender) the existence or contents of this e-mail or its attachments or permit anyone else to do so.