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To: Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; Councillor Alan Donnelly, the Depute Provost; and Councillors Allan, Alphonse, Cooke, Copland, Cormie, Lesley Dunbar, Greig, Hutchison, John, Malik, McLellan, Sellar, Sandy Stuart and Wheeler.

Town House,
ABERDEEN 14 September 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, 21 SEPTEMBER 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 ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

DETERMINATION OF URGENT BUSINESS

1.1 Determination of Urgent Business

DETERMINATION OF EXEMPT BUSINESS

2.1 Determination of Exempt Business

DECLARATION OF INTERESTS

3.1 Declarations of Interest

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 24 August - for approval (Pages 5 - 16)

COMMITTEE TRACKER

- 5.1 Committee Tracker (Pages 17 - 20)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 North Last Quarry - Continued Use and Extension to Quarry (Pages 21 - 56)

Planning Reference - 161687

The documents associated with this application are attached.

Planning Officer: Gavin Clark

- 6.2 Former Cornhill hospital, Berryden Road - material change to previous consent P130381 in order to accommodate 4 additional flats (Pages 57 - 64)

Planning Reference:- 161282

All documents associated with this application can be found at the following link.

<https://publicaccess.aberdeencity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Planning Officer: Gavin Evans

6.3 Hazledene Road/Countesswells Road Zone A - erection of care home and 4 dwellings (Pages 65 - 82)

Planning Reference: 170525

All documents associated with this application can be viewed at the following link:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Planning Officer: Gavin Evans

To access the Service Updates for this Committee please use the following link:

<https://committees.aberdeencity.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13450&path=0>

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

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 24 August 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Marie Boulton, Convener; and Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Alphonse, Cooke, Copland, Donnelly, Lesley Dunbar, Greig, Henrickson (as substitute for Councillor Hutchison), John, Malik, McLellan, Nicoll (as substitute for Councillor Cormie), Sellar, Sandy Stuart and Wheeler.

The agenda and reports associated with this minute can be found at:-

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=4368&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.

DECLARATION OF INTERESTS

1. Members were requested to intimate any declarations of interest in respect of the items on today's agenda, thereafter, the following declarations of interest were intimated:-

- (1) Councillor McLellan declared an interest in item 6.1 (Bon Accord Centre, Mixed Use Development) by virtue of him residing in close proximity to the proposed development. Councillor McLellan considered that the nature of his interest did not require him to leave the meeting.
- (2) Councillor McLellan declared an interest in item 6.2 (5-9 Union Street, Change of Use of Pavement to Provide an External Seating Area Outside the Premises) by virtue of him being a shareholder in the Company who submitted the application and considered that his interest did require him to leave the meeting, therefore he took no part in the deliberations thereof.

MINUTES OF PREVIOUS MEETING OF 20 JULY 2017

2. The Committee had before it the minute of its previous meeting of 20 July 2017, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 27 JULY 2017

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3. The Committee had before it the minute of the meeting of the Planning Development Management Committee (Visits) of 27 July 2017 for approval.

With reference to article 1 (Pinewood Zone F, Countesswells Road), the Committee heard Daniel Lewis, Development Management Manager advise that the drainage information which had been requested by members had now been received and will be considered by officers. A site visit will be arranged in due course.

The Committee resolved:-

- (i) to note the information provided; and
- (ii) to otherwise approve the minute as a correct record.

COMMITTEE TRACKER

4. The Committee had before it a tracker which showed future committee business.

The Committee resolved:-

to note the information contained in the committee report tracker.

DECLARATIONS OF INTEREST

The Vice Convener declared an interest in the following article by virtue of her being a Council appointed Board of Governor member of Robert Gordons College who had submitted a representation in relation to the application. The Vice Convener considered that the nature of her interest did not require her to leave the meeting.

BON ACCORD CENTRE, GEORGE STREET, ABERDEEN – MIXED USE DEVELOPMENT COMPRISING CLASS 1 (SHOPS), CLASS 2 (PROFESSIONAL SERVICES), CLASS 3 (FOOD AND DRINK), CLASS 4 (BUSINESS), CLASS 7 (HOTELS), FLATS, SERVICED APARTMENTS, ACCESS, SERVICES AND ALL ANCILLARY DEVELOPMENT AND ASSOCIATED DEMOLITIONS – 170353

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

That the application be approved conditionally but to withhold the issue of consent until means of securing developer obligations and affordable housing is agreed.

CONDITIONS

- (1) Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations as set out in the directive associated to the applied time

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period for the phased implementation of the hereby approved development. No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

Specified matters:

- (a) Phasing - Details of the phasing of development;
- (b) Levels - Details of existing and proposed site levels, relevant to the extent of development sought/particular phase, including cross sections;
- (c) Access - Details setting out all proposed means of pedestrian, cycle and vehicular access to the development, including vehicle turning areas and upgrades to Harriet Street, Crooked Lane and Loch Street. For the avoidance of doubt, these details shall also include surfacing materials, relevant to the extent of development sought/particular phase;
- (d) Layout/Siting - Details of the layout and siting of the proposed development, including all buildings, ancillary structures, storage areas for waste and recyclables and hard and soft landscaped areas, relevant to the extent of development sought/particular phase;
- (e) Design/ Materials - Full details of the design, external appearance and finishing materials of any proposed structures, relevant to the extent of development sought/particular phase;
- (f) Boundaries - Details of proposed boundary treatments, whether permanent or temporary (particularly the interfaces between phases or undeveloped parts of the site) , relevant to the extent of development sought/particular phase;
- (g) Low and Zero Carbon Technologies - Details of proposed measures to reduce carbon dioxide emissions, relevant to the extent of development sought/particular phase;
- (h) Landscaping - Details and specification for hard and soft landscaping, including, relevant to the extent of development sought/particular phase:
 - (1) walls, fences, gates and any other boundary treatments;
 - (2) the type and location of new trees, shrubs and hedges; and
 - (3) a schedule of plants to comprise species, plant size and proposed number/density, relevant to the extent of development sought/particular phase;
- (i) Services - Details of existing and proposed services such as cables, pipelines, substations, relevant to the extent of development sought/particular phase;
- (j) Lighting – A scheme of external lighting, including details of light fittings and predicted coverage, relevant to the extent of development sought/particular phase;
- (k) Other items – Details of artefacts and structures including street furniture, lighting columns and fittings, and play equipment, relevant to the extent of development sought/particular phase; and

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- (1) Noise - A scheme for protecting the occupiers of sensitive properties, from traffic and industrial noise, relevant to the extent of development sought/ particular phase.
Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).
- (2) Phasing Plan – Further to Condition 1 (a) - Prior to the commencement of development a phasing plan (including provision of canopy and street surfacing/landscaping as indicated in design and access statement hereby approved) shall be submitted for approval in writing of the planning authority. The development shall be implemented in accordance with this phasing plan unless otherwise agreed in advance in writing with the planning authority. Each phase of the development approved shall not commence until applications for AMSC relevant to each phase have been approved in writing in respect of that phase.
Reason: In order to ensure the development progresses within an agreed phasing programme in a timeous manner.
- (3) Maximum Floorspace – The maximum net. additional floorspace (Gross Floor Area - GFA) to be constructed pursuant to the development hereby approved for each hereby approved use class shall be limited to: 8,500m² (within Classes 1 – Retail, 2 – Professional Services, 3 – Food and Drink and 4 – Business); and a maximum of 50 residential flats and 170 rooms (Class 7 – Hotels)
Reason: To limit the extent of the development to that considered within the supporting Transport Assessment and in order to achieve an appropriate scheme mix consistent with the aims and policies of the Aberdeen City Local Development Plan.
- (4) Maximum Building Envelopes – Unless otherwise agreed in writing, the maximum extent of development (excluding plant and minor deviations to be agreed with the planning authority) shall be contained within the envelopes (showing footprint and massing of development) indicated on the drawings approved as part of this application.
Reason: To ensure the overall scale of the development does not exceed the parameters as indicated on the approved.
- (5) Mix of Uses – That the mix of uses across the development blocks shall be in accordance with those specified in section 4.1.3 of the Transport Assessment hereby approved and their location in accordance with the parameters identified within the Design and Access Statement hereby approved, unless otherwise agreed in writing with the Planning Authority.
Reason: To limit the extent of the development to that considered within the supporting Transport Assessment and in order to achieve an appropriate scheme mix consistent with the aims and policies of the Aberdeen City Local Development Plan.

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- (6) Finished Floor Levels – Further to Condition 1 (b), the finished floor levels of the development shall be at a minimum 0.6 metre above the 1 in 200 year flood level, as defined by SEPA, unless another more appropriate freeboard is agreed in writing with the Council (as Planning and Flood Prevention Authorities) and SEPA.
Reason: To protect people and property from the risk of fluvial flooding.
- (7) 41 Loch Street – No development on Block D1 shall commence unless a detailed scheme for the relocation of 41 Loch Street has been submitted to and approved by the Planning Authority. Thereafter, the relocation and subsequent rebuild of 41 Loch Street shall be completed for use prior to the first occupation of any part of Block D1.
Reason: In order to ensure the relocation of 41 Loch Street takes place in a suitable and timeous manner.
- (8) SuDS – No development on any particular phase shall commence unless details of sustainable drainage/treatment of surface water (SuDS) for said phase is submitted for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme, which shall be developed in accordance with the technical guidance contained in CIRIA SuDS Manual (C753) and should incorporate source control. That particular phase shall not be occupied unless the SuDS measures for said phase are completed and ready for use.
Reason: In order to ensure the development is served by a suitable scheme for the disposal of surface water.
- (9) Construction Environment Management Plan – No development shall commence unless a site specific Construction Environment Management Plan (CEMP) has been submitted and approved in writing by the Planning Authority in consultation with SEPA, SNH or other agencies as appropriate. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.
Reason: In order to minimise the impacts of the necessary construction works on the environment.
- (10) Cycle Parking/Hub – Prior to the commencement of development a scheme of cycle parking provision, including a 'cycle hub' shall be submitted to and approved in writing by the Planning Authority. Short term cycle parking should be available at all entry points to the development hereby approved. The Cycle Hub shall incorporate: CCTV; Lighting; Secure, covered cycle parking; Lockers; Bike Repair Station; Vending machine for bike related products; Litter bins; and Seating. Prior to the first use of any additional car parking hereby approved, such improvements as detailed in the approved scheme shall be implemented in full.
Reason: In order to ensure a suitable level of cycle parking is provided as part of the scheme and to encourage sustainable travel.

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- (11) Traffic Signals – Prior to any development commencing, a scheme for the provision of traffic signals associated with the upgrade to Crooked Lane, as indicated in drawing number 104522/1/GL/01 hereby approved, shall be submitted to the planning authority. Thereafter the development shall be implemented in accordance with the details approved, unless otherwise agreed in writing with the planning authority.
Reason: In order to ensure a suitable arrangement for traffic signalling is provided, in the interests of road safety.

TIME LIMIT DIRECTION

Notwithstanding the terms of section 59(2)(a)(i) of the Town and Country Planning (Scotland) Act 1997, application for Approval of Matters Specified in Conditions (AMSC) must be made to the Council as Planning Authority no later than the following basis:

- (1) That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval of matters specified in conditions must be made before:-
- (a) that expiration of 5 years from the date of the grant of planning permission in principle; or
 - (b) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
 - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest, and
- (2) That the development to which permission relates must be begun not later than whichever is the later of the following dates:-
- (a) the expiration of 5 years from the date of grant of planning permission in principle; or
 - (b) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

ADVISORY NOTES FOR APPLICANT

Phasing

For the avoidance of doubt, the numbering attached to the blocks provided as part of this Planning Permission in Principle are for identification only and is not indicative of the sequence of phasing of the development.

Asbestos

Due to the nature of some of existing buildings, it is also recommended that a buildings asbestos survey is undertaken by an appropriately qualified person, of all buildings to be demolished, prior to their demolition. Any asbestos materials will

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require to be removed by a licensed carrier to an appropriate waste management facility

Police Scotland

The area in which the site is located has a high level of crime, though this is due to high level of footfall, popularity and importance of the site and the crimes in question are minor (shoplifting, public order offences and road traffic offences).

Due consideration should be given to pedestrian routes which should be open and direct, to maximise the opportunity for natural and formal surveillance (CCTV).

Careful consideration should also be given to the high level of pedestrian permeability within and around the development, to create a hostile environment to potential offenders. Similarly, clear and legible signs should be used to promote that permeability and manage movement around the site but prevent members of the public from entering restricted areas.

Due consideration should be given to the location and design of any seating areas, to avoid having groups of people congregating in the wrong areas. Seating areas should ideally have a high level of natural surveillance or formal surveillance via a CCTV system. Such a CCTV system may act as a deterrent and offer protection from crimes and offences but may also be needed to provide facial recognition evidence of same for Court purposes, all of which should be considered within the context of an Operational Requirement. These considerations should also include coverage of seating areas as mentioned above, any other potential congregation points, parking areas, and pedestrian and vehicular access points. Considerations should also include the maintenance of the CCTV system.

Lighting will be of great importance in developments such as this one. The uniformity of the spread of good quality white lighting will provide the best colour rendering and help with avoiding dark spots. This too can help with reducing the fear of crime. Any lighting system used should support the use of a CCTV system.

On the matter of building shells, recesses exceeding a 600 mm depth should be avoided to prevent the creation of hiding places for potential offenders. Due consideration should also be given to toughened or laminate glass for ground floor or easily accessible windows.

Consideration should be given regarding traffic calming measures in the vicinity. No Hostile Vehicle Mitigation is deployed on site, and as other parts of the site include multi-storey car parks adjacent to the curtilage of the buildings, doing so for this addition, would be difficult to justify. Lighting should be designed to provide sufficient supportive lighting to any CCTV and this will be designed in conjunction with same through the use of Operational Requirements to identify site requirements.

Construction materials should be appropriate to the current terrorist threat level, be robust and as resistant to ballistics and explosives as practicable, while still fitting in with the architecture of the city.

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In addition to glazing at ground level being laminated glass, the glazing facing on to public areas should be covered by anti-shatter film.

Any HVAC plant should be placed on the building roofs, and would recommend that these be well protected from unauthorised access. Any additional CCTV provision should fit in with and support current systems and again an Operational Requirement should be developed to ensure any new system meets user needs. Any CCTV provision should be supported and enhanced by the lighting regime.

Any alarms installed should again fit with existing systems and again, an Operational Requirement would be recommended. Staff currently on site are well trained regarding security matters and in responding to security matters. This should continue and additional buildings should be included in updated response plans.

The developer should liaise with the Police Scotland Architectural Liaison Officer service at each stage of the development, for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design (CEPTED).

Aberdeen City Council – Waste Services

Waste provision requirements for 50 flats is as follows:-

- 5 x 1280l General waste bin;
- 5 x 1280l Recycling container;
- 1x Food waste container per bin store; and
- All residents will receive a kitchen caddy, biobags and associated information for their food waste.

The following costs will be charged to the developer:

- Each 1280l bin costs £413.60 each; and
- Each food waste costs £514.49 each

No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor. Residents waste and commercial waste require to be segregated thus either requiring a separate bin store or a bin store divided to keep it separate.

General Points:

- Bins need to be stored within a dedicated area (bin store);
- Bin storage areas are to be located at the entrance to buildings avoiding the end of car parks where possible and allowing it to be located near the collection point on the main road;
- The distance from the bin stores to the kerb should preferably be no greater than 7m and be free of obstacles;
- Bin stores should be located less than 30m from any property;
- The entrance to a bin store should be a minimum of 150cm unobstructed access to allow adequate space to provide more movement space for the

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collection of recycling and waste bins. Any entry gate cannot prohibit bin movement;

- Each of the 1280l communal bins serving the 50 flats will require a space of 128cm (width) x 100cm (diameter) x 145cm height and a minimum of 10cm is required between each bin for movement;
- The communal food waste bin will require a paved area of 80cm x 80cm each with unobstructed access to the front of 60cm to allow bin to be emptied;
- The store must enable ease of use for manoeuvring the wheeled bins and a concrete or slabbed base should be provided in the bin store. Enough space must be provided for individual bins to be manoeuvred without need to remove other waste and recycling bins therefore should therefore be of adequate size to house these containers;
- No excess should be stored outwith the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292;
- Reversing of the collection vehicle is unacceptable due to health and safety provisions and a turning circle or hammer head should be provided at all dead end roads;
- A path of 0.5m minimum width should be provided to the vehicle collection point which is level with bin stores. Pathways to the collection vehicles should be free of obstacles with provision of a slope should there be any gradient; so that any containment can be easily moved to the kerbside on collection days. Pathways should be suitably paved to allow bins to be moved safely. Collection crews should not need to manoeuvre bins around parked cars to avoid any damage;
- There must be a drop down kerb at the bin store to allow access as well as at the road access. Yellow lines will deter parked vehicles restricting collection vehicles;
- Lock block surfaces to be minimised as these can be damaged by collection vehicles. All road surfaces must be suitable for heavy vehicles; and
- If the bin store will be locked, 5 Keys must be provided to each store where locks differ, to ensure access for different collection crews and for the Recycling Officer to monitor contamination. These can be dispatched in due course to the Waste Team.

Developers must contact Aberdeen City Council using the above details a minimum of two months before properties will be occupied. Bins must be on site prior to residents moving into properties. A purchase order can be raised with Aberdeen City Council using the above details. We will provide guidance in purchasing the bins.

The Committee heard from Andrew Miller, Senior Planner, who spoke in furtherance of the report and answered questions from members.

The Committee resolved-

to approve the recommendation.

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BREWDOG, 5-9 UNION STREET, ABERDEEN – CHANGE OF USE OF PAVEMENT TO PROVIDE AN EXTERNAL SEATING AREA OUTSIDE THE PREMISES – 170690

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

That the application be approved unconditionally.

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the report and also Mark Wilkie, Team Leader (Roads), both answering questions from members.

The Convener, seconded by the Vice Convener moved:-

That the application be refused on the following grounds:

- (1) that the seating area would cause a safety hazard for pedestrians due to the restricted width of the pavement and its proximity to the busy main road;
- (2) that the location of the seating area would cause an obstruction for people with impaired sight and wheelchair users; and
- (3) that in relation to the Aberdeen Local Development Plan - Policy T4 (Air Quality), the location of the seating area would have a health impact on customers due to exposure to pollution and gaseous vehicle emissions.

Councillor Nicoll, seconded by Councillor Cooke moved as an amendment:-

That the application be approved unconditionally.

On a division, there voted:- for the motion (5) – the Convener, the Vice Convener and Councillors Allan, Alphonse and Lesley Dunbar; for the amendment (11) – Councillors Cooke, Copland, Donnelly, Greig, Henrickson, John, Malik, Nicoll, Sellar, Sandy Stuart and Wheeler.

The Committee resolved:-

to adopt the amendment to approve the application unconditionally.

34 CAIRNFIELD PLACE – PROPOSED GARAGE IN THE REAR CURTILAGE OF THE DWELLING - 170780

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

That the application be refused.

The Committee heard from Andrew Miller, Senior Planner, who spoke in furtherance of the report.

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The Committee resolved:-

to refuse the application.

- **COUNCILLOR MARIE BOULTON , Convener**


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CYCLE 9 - COMMITTEE STATISTICS 21 September 2017 The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings					
Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
North Dee	21/09/2017	Laura Robertson	Eric Owens	Planning app	Deferred for Traffic Modeeling work, future committee date to be determined.
North Lasts Quarry	21/09/2017	Gavin Clark	Eric Owens	Continued use and extension of quarry	
Hazledene Road/Countesswells Road, Zone A	21/09/2017	Gavin Evans	Eric Owens	Care homes and 4 Houses	Submission of flooding team final response on the deadline day for finalising report and redraft required on that basis.
Cornhill Hospital, Berryden Road	21/09/2017	Gavin Evans	Eric Owens	Material change to previous consent P130381 in order to accommodate 4 additional flats.	
Confirmation of TPO237/2017 Malcolm Road	21/09/2017	Kevin Wright	Eric Owens		Pulled for further work, future committee date to be determined.

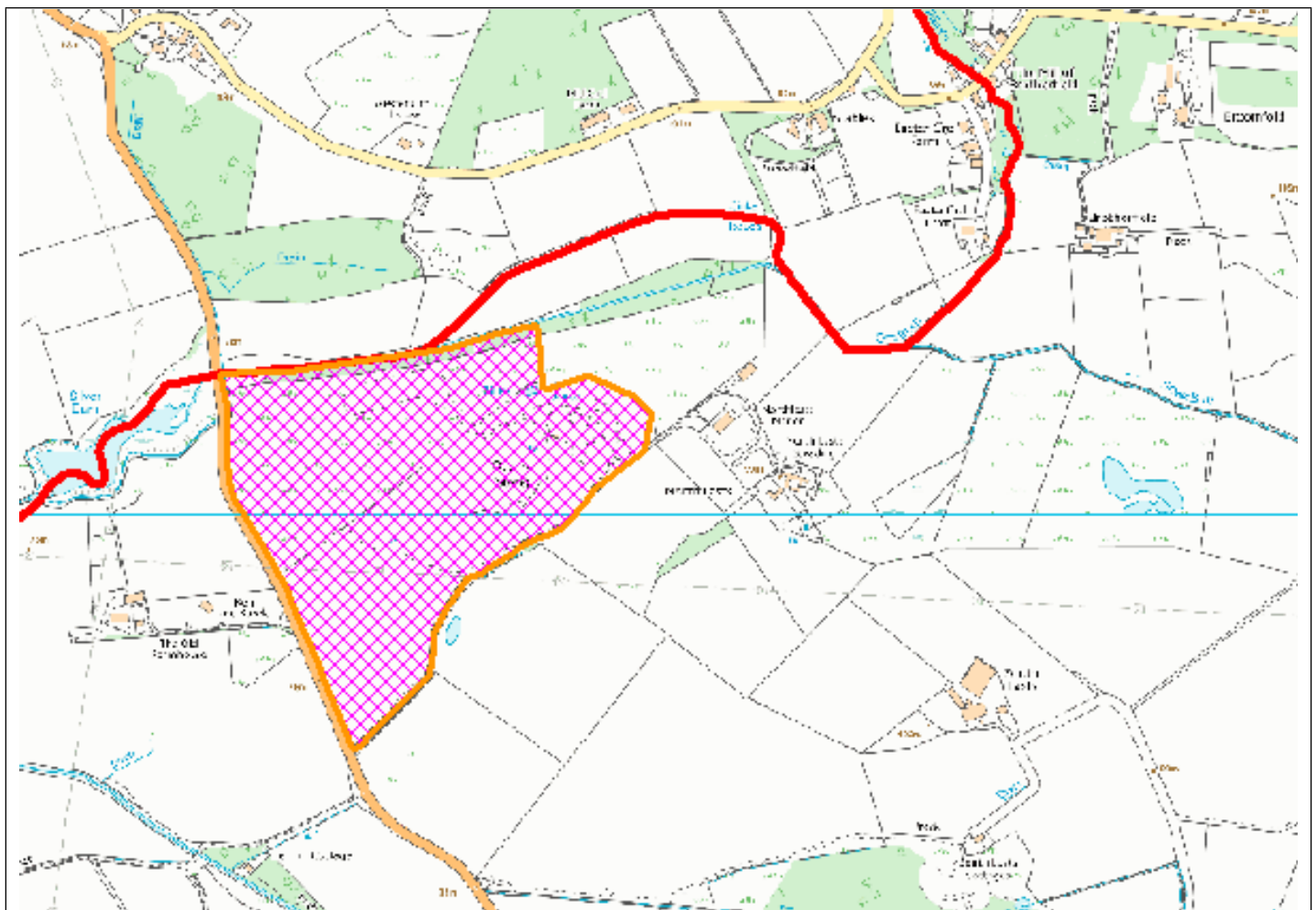
CYCLE 10 - COMMITTEE STATISTICS 2 November 2017 The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings					
Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
Confirmation of TPO239/2017 Land at Contlaw Road	02/11/2017	Kevin Wright	Eric Owens	TPO239/2017 Land at Contlaw Road	
Conformation of TPO244/2017 Woodend, Peterculter	02/11/2017	Kevin Wright	Eric Owens	TPO244/2017 Woodend, Peterculter	
Student Accommodation at Brig O Dee Bar Holburn Street	02/11/2017	Gavin Clark	Eric Owens	Planning application for Student Accommodation	
Friarsfield, Cults	02/11/2017	Andrew Miller	Eric Owens	Variation to S75 (for 140272) to include East Neuk dev at King St as offsite AH alternative	Moved from 21.9.17 due to delay in consultee responses.
Friarsfield, Cults	02/11/2017	Andrew Miller	Eric Owens	Variation to S75 (for 120340) to include East Neuk dev at King St as offsite AH alternative	Moved from 21.9.17 due to delay in consultee responses.
Provost Skene's House	02/11/2017	Lucy Greene	Eric Owens	Advise committee of alterations at site.	Moved from 21.9.17 due to need for further consultation.

CYCLE 12 - COMMITTEE STATISTICS					
18 January 2018					
The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings					
Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
Confirmation of TPO237/2017 Malcolm Road	TBC	Kevin Wright	Eric Owens		Initially for September but was pulled for more work to be done.

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	Planning Development Management Committee
	Report by Development Management Manager
	21 September 2017

Site Address:	North Lasts Quarry, Peterculter, Aberdeen, AB14 0PE
Application Description:	Application for the continuation of hard rock quarrying operations (including operation of the asphalt plant) and extension to the existing quarry including deepening to 48mAOD level and the processing of overburden material
Application Reference:	161687/DPP
Application Type	Detailed Planning Permission
Application Date:	29 November 2016
Applicant:	Leith's (Scotland) Ltd
Ward:	Lower Deeside
Community Council	Culter
Case Officer:	Gavin Clark



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

North Lasts Quarry is well established and has been used for the extraction of hard rock, mainly for road construction, since the late 1970's. It is located approximately 2.5km north-west of Peterculter and 2km south of Elrick, Westhill. Vehicular access is via an existing surfaced track off the B979 (defining the southern site boundary), which also serves a cluster of properties at North Lasts Farm, comprising dwellings and an industrial unit. This grouping is to the east, with agricultural land north, south and beyond. The application site comprises the existing quarried area and an expansion zone to the north and west of that, in all the site extends to approximately 23 hectares immediately to the north is the local authority boundary with Aberdeenshire Council, largely defined by the Ord Burn and the B979 to the west. Beyond the Ord Burn and the B979 is largely agricultural land, although there is a small grouping of residential/ farm properties to the west of the B979, associated to West Lasts.

Relevant Planning History

Planning permission for the quarry was initially conditionally granted in 1976, for a period of 10 years. This permission was extended in 1986 and then again under application Ref: 96/2192 in 1996. Subsequently, a further planning application (Ref: A7/0447) was granted on 16 August 2007, this extended the life of the quarry for a further 10 years until August 2017. In total the quarry has operated for some 40 years.

On 28 October 2010 planning permission (Ref: P101264) was granted, to deepen part of the quarry to a depth of 60m Above Ordnance Datum (AOD). This permission also contained all the conditions previously attached to permission A7/0447. Condition 8 further specified that quarrying shall cease on or before 28 October 2020.

On 18 December 2014, a planning application (Ref: 14/1836) was submitted seeking to extend the quarried area by approximately 1.95 hectares to the north with a depth of approximately 72m AOD. It was calculated that the proposed extension would contain approximately 250,000 to 300,000 tonnes of rock and that the output would be approximately 125,000 tonnes per annum, thus extending the estimated life of the quarrying by some 2½ years (Summer 2023). Dry aggregates and coated road stone products would continue to be made and manufactured within the quarry and hauled off site utilising the existing road to the B979. That application was approved subject to a number of conditions on 29 May 2015. This included a condition restricting all operations until 1 June 2025.

A Proposal of Application Notice (PoAN Ref: 151407) was submitted on 28 August 2015 proposing consultation relative to the further continuation of the existing quarry and its proposed extension, deepening and storage of over-burden material.

Two subsequent requests were also made for EIA Scoping Opinions (Refs: 160094 and 160549 respectively) in relation to the proposed quarry extension proposals noted immediately above.

Planning permission (Ref: 160522) was approved in October 2016 for a variation to condition 4 of Planning Permission P101264 to amend the operating hours of the quarry for coating/(asphalt)

plant to include Sundays 0700 to 1600 hours for the duration of works associated with the construction of the AWPR.

APPLICATION DESCRIPTION

Description of Proposal

The application seeks to continue hard rock quarrying operations and an extension to existing quarrying operations to a depth of 48m above ordnance datum (AOD) to provide additional rock reserves, the continued operation of the asphalt plant and the processing of overburden material. Access to the site would be taken from the B979, located to the west.

The applicant seeks consent to extract approximately 4 million tonnes of rock over a period of 30 years at an average estimated production rate of 125,000 tonnes per annum, although the average would actually equate to 133,333 tonnes per annum. It is proposed to process the overlying till material to produce sand. The applicants have estimated that a total of 350,000 tonnes of sand would be provided over a period of 10 years.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk>

The Environmental Impact Assessment included the following documents:

- Pre-Application Consultation Report,
- Scoping Opinion,
- Extractive Waste Management Plan,
- Dust Management Plan Meteorological Data,
- Otter Report,
- Protected Species and Phase 1 Habitat Survey,
- Archaeological Desk Top Survey,
- Noise Assessment,
- Dust Assessment,
- Blasting Assessment, and
- Landscape/ Visual Impact Assessment.

An additional Traffic Assessment was also submitted.

Following the request of relevant consultee's further information was submitted:

- Updated Flood Risk Assessment,
- Updated Ecological Report,
- Method Statement, and
- Badger Protection Plan.

Reason for Referral to Committee

Applications for development requiring Environmental Impact Assessments (EIA) fall out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Scottish Environment Protection Agency – Initial objected on the grounds of lack of information, in terms of flood risk. Following the receipt of additional information this objection was removed, subject to conditions, details are discussed below.

Aberdeenshire Council – No comments.

ACC - Contaminated Land Team – No response, no objection position is assumed.

Dee District Salmon Fishery Board – No response, no objection position assumed

ACC - Flooding and Coastal Protection – No comments

ACC - Environmental Health – No objection, subject to a number of conditions following the submission of additional information. Their response is discussed below.

ACC - Roads Development Management Team – No objection, but noting a small change in proposed HGV movements. Their response is discussed below.

Developer Obligations Team – No obligations required.

Scottish Natural Heritage – No objection, suggest conditions, their response is discussed below.

BP Exploration Operating Company (North Sea Infrastructure) – No objection, but requested a condition relating to details of scheduled basting operations within the quarry.

Shell UK Exploration and Production – Confirmed that the proposed development would have no impact on the Shell pipeline.

Aberdeen Western Peripheral Route – No response, no objection position assumed.

Archaeology Service (Aberdeenshire Council) – Agree with the recommendations of the desk-based assessment and suggest a condition relating to a programme of archaeological works.

Scottish Government – No objection.

Health and Safety Executive – No response, no objection position assumed.

REPRESENTATIONS

Two valid objections have been received, summarised as follows:

- Concerns raised in terms of significant dust emissions during the last quarter of 2016; and the associated failure to comply with related planning conditions of previous permissions;
- The proposal does not comply with relevant government guidance (reference is made in the submitted representation to PAN 50 'Controlling the Environmental Effects of Surface Mineral Workings');
- Concern over the impact of the proposed development on residential amenity, in particular reference is made to noise (both existing and proposed levels), dust and visual impact;
- Reference is made to the planning history, in particular the request for a 30 year planning consent;
- Comments in relation to previous development within the application site boundary;
- Concerns in relation to the adequacy of the submitted Noise Assessment; and
- Concerns with regards to the extension of the operating hours, both in the mornings and on Saturdays.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

Scottish Planning Policy 2014 (SPP), Planning Advice Note 64 (PAN 64) 'Reclamation of Surface Mineral Workings' and PAN 50 'Controlling the Environmental Effects of Surface Mineral Workings' are of particular relevance to the determination of this application. PAN 1/2011 'Planning and Noise' also provides additional advice on best practice for developments that may generate noise, but should be read in tandem with PAN 50 in respect of mineral developments.

The SPP states that mineral extraction makes an important contribution to the economy and in particular the construction industry and that there should always be an adequate and steady, available supply of minerals to meet the needs of the construction industry and other sectors. Further that minerals should be extracted in a way to minimise impacts upon the environment, as well as the effect on communities.

PAN 50 with Annex A (Noise), B (Dust), C (Traffic) and D (Blasting) provides advice on all these issues and how they should be addressed when assessing mineral applications.

PAN 64 (Reclamation of Surface Mineral Workings) provides planning advice on ensuring that satisfactory reclamation procedures are in place before, during and after extraction to bring land back to an acceptable condition.

PAN 1/2011 also establishes best practice and planning considerations that should be taken into account with regard to developments that may generate noise or developments that may be subject to noise.

The Management of Waste from Extractive Industries (Scotland) Regulations 2010 require that all proposed mineral planning applications/ decisions must include a Waste Management Plan (WMP).

All the national policy advice has been considered in the assessment section of this report.

Aberdeen City and Shire Strategic Development Plan

Aberdeen City and Shire is a region of global significance, as the energy capital of Europe it has the ambition, skills and resources to lead the move towards a more secure and sustainable supply of energy and lead Scotland forward on a path of economic recovery.

The main aims of the plan are to:

- provide a strong framework for investment decisions which help to grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively; and
- take on the urgent challenges of sustainable development and climate change.

Paragraph 3.46 also advises that *"In some cases, developments which aim to meet more than local needs may need to be based in this area, such as mineral extraction. In these cases, developers will need to justify this against the aims, strategy, objectives and targets of this plan. Meeting regeneration needs could be one part of this justification."*

Aberdeen Local Development Plan (2017)

OP44: North Lasts Quarry

Policy D2: Landscape

Policy I1: Infrastructure Delivery and Developer Obligations

Policy T2: Managing the Transport Impact of Development

Policy T4: Air Quality

Policy T5: Noise

Policy B6: Pipelines, Major Hazards and Explosive Storage Sites

Policy NE2: Green Belt

Policy NE5: Trees and Woodland

Policy NE6: Flooding, Drainage and Water Quality

Policy NE8: Natural Heritage

Policy R1: Minerals

Policy R2: Degraded and Contaminated Land

Supplementary Guidance

- Landscape
- Transport and Accessibility
- Air Quality
- Noise
- Natural Heritage
- Trees and Woodland
- Flooding, Drainage and Water Quality

EVALUATION

An Environmental Statement (ES) was required as the development falls within Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 2011 (Note: this document has been superseded by the Environmental Impact Assessment (Scotland) Regulations 2017 – however the application was submitted before they came into effect and the application is therefore assessed against the 2011 legislation).

An ES has to identify the likely environmental effects of a project, through the study and analysis of individual issues, predicting and assessing the projected impacts and proposing measures to mitigate the likely effects. 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. The ES is submitted in support of the planning application but it is not part of the application itself. However, 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. There is no statutory provision as to the form of an ES but it must contain the information specified in Part II and such relevant information in Part I, both of Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011, all as is reasonably required to assess the effects of the project and which the developer can reasonably be required to compile. Whilst every ES should provide a full factual description of the development, the emphasis of Schedule 4 is on the ‘**main**’ or ‘**significant**’ environmental effects associated to the development. An ES must comply with the requirements of the Regulations, but it is important that it is prepared on a realistic

basis and without unnecessary elaboration. It is for the Council to satisfy itself on the adequacy of the ES. If it is deemed to be inadequate, then the application can be determined only by refusal.

Overall it is concluded that the ES is satisfactory, as all appropriate information has been submitted to allow for a full consideration of this application, thus meeting the requirements of the Regulations.

National Planning Policy

Scotland's Third National Planning Framework (NPF3) states that the rural landscape is not just a recreational resource and also has a vital role to play in providing minerals as construction materials to support the national ambition for diversification of the energy mix.

Scottish Planning Policy (SPP) provides a statement of Government policy in respect of minerals and confirms that an adequate and steady supply of minerals is essential to support sustainable economic growth. SPP further confirms that in order to ensure that there is adequate continuity of supply to meet demand, planning authorities should ensure a land bank of permitted reserves for construction - of a minimum 10 years of extraction - is available at all times in all market areas.

In addition to ensuring the required need for minerals is met, SPP also confirms which matters planning authorities should consider when deciding planning applications for such extraction. These matters are discussed below, through the assessment of the Aberdeen Local Development Plan 2017 and associated material planning considerations.

However, prior to considering the effects of the development it is necessary to address any associated need, in relation to the requirement for a minimum 10 year land bank of permitted reserves. In this respect, the proposal relates to an existing quarry. There is another quarry in the city boundary (Blackhills Quarry), in the ownership of the current applicant, and with a similar length of consent), however granting consent for the continued use on this site would also help with the required levels of permitted reserves, and would comply with Scottish Planning Policy.

PAN 50 and PAN 64, are particularly relevant to the application. PAN 50 (Controlling the Effects of Mineral Workings) provides advice on best practice for mineral workings, in relation to the control of: noise, dust and traffic. Additionally PAN 64 (Reclamation of Surface Mineral Workings) provides advice on best practice for reclamation of such sites and relates specifically to: restoration conditions; after care considerations; various uses of sites; planning conditions; agreements; and after care schemes. The advice contained within both PANs has been considered, where appropriate, in the processing of this application and the formulation of conditions has taken cognisance of their advice.

PAN 1/2011 (Planning and Noise) establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. It provides further detailed guidance, to be read in tandem with PAN 50, on noise assessments and noise mitigation measures.

The application is for the continuation of hard rock quarrying operations, an extension to the existing quarrying operations and timescales (+30 years), all to service the local area. Supporting information details mitigation proposals for minimising the impact on: amenity, adjacent receptors, the local landscape character, and water and natural environments. The submitted restoration plan shows details of how the quarry would be restored following completion of works. Restoration would be controlled further via appropriate conditions.

It is therefore considered that the proposal complies with National Planning Policy. However, the overall acceptability of such a development must also meet the other detailed advice within PANs 50, 64 and 1/2011 as well as the policies contained within the Aberdeen Local Development Plan

2017 and any other material planning considerations. These issues are considered in further detail below.

Principle of Development

In respect of the principle of development, the proposal must be assessed against Policy R1 (Minerals) and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan.

R1 advises that proposals for mineral extraction are acceptable in principle, provided that there is:

1. no significant impact on the character and amenity of the surrounding landscape / residential areas, or on the ecology of the area;
2. that sufficient information has been submitted to allow a full assessment of the likely effects of the development, together with proposals for control, mitigation and monitoring;
3. where appropriate buffer distances have been agreed; and
4. that restoration would be undertaken concurrently with excavation or as soon as possible thereafter.

For the reasons mentioned later in this evaluation, it is considered that the proposal accords with the aforementioned policy.

Policy NE2 (Green Belt) states that *“no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland, and forestry, recreational uses compatible with an agricultural or natural setting, **mineral extraction/ quarry restoration or landscape renewal**”*. As the proposal is associated with mineral extraction and thereafter restoration it is considered to accord with the principles of Policy NE2, subject to more detailed consideration against other relevant policies of the ALDP.

In addition, it is important to note that the land associated to this application has been identified within the Aberdeen Local Development Plan as an opportunity site (OP44: North Lasts Quarry), which recognises the ongoing mineral extraction and notes the pipeline consultation zone and risk of flooding, the latter requiring that a Flood Risk Assessment accompany any development proposals. These issues are addressed below in respect of Policies B6: Pipelines, Major Hazards and Explosives Storage Sites and NE6: Flooding, Drainage and Water Quality

Landscape and Visual Impact Assessment (LVIA)

The proposed development is considered to be sufficiently compliant with Scottish Planning Policy, the Aberdeen City / Shire Strategic Development Plan and the Local Development Plan. Given the proposal is to extend an existing quarry, rather than a new operation it is more readily accommodated within the landscape. However, any proposals for mineral extraction will inevitably have impacts on the landscape resource and consideration of potential impacts, together with measures to minimise and mitigate them, is key to establishing the acceptability of the proposal. Policy D2 (Landscape) of the ALDP 2017 is relevant in this regard.

The quarry is located within an area of generally open landscape, being part of the surrounding green belt of Aberdeen, and to the east of the B979. The wider area is described as the Anguston/ Leuchar/ Easter Ord Landscape Character Area (LCA), a sub-division of the Open Farmland Landscape Character Type (LCT). The site itself is not located within any national or regional scenic areas and in general the topography slopes up from the B979 to a level of circa 80m Above Ordnance Datum (AOD).

Potential sources of visual impact have been identified within the supporting Landscape/ Visual Impact Assessment (LVIA). At present the quarry is fairly open to public view, particularly seeing stockpiles visible from a number of viewpoints. In this regard the proposal includes a number of screen bunds and areas of woodland planting, through each of the phase of development. This

should lessen the overall visual impact of the extension and development, when compared to the current baseline.

It is clear from the LVIA that although there is a wide range of theoretical visibility, the number of places from which the site and current/ future extractive operations are would be viewed is very limited. This is due to the proposed screening and wider intervening landform. The LVIA has indicated that, from the nine key viewpoints, any impact from the proposals would be between slight and moderate. As such it is accepted that here would be no major visual impacts as a result of this development.

A cumulative impact assessment was also undertaken to assess the impact of the development in conjunction with Wester Ord Quarry and the nearby recycling station. In this regard it is concluded that the proposal would extend the potential duration of cumulative effects; however, the activities assessed do not result in significant alterations to the landscape fabric of the study area.

The LVIA confirms that the proposed development would not significantly adversely affect: the key attractive and distinctive land use elements; or the wider baseline pattern of the local landscape; or prejudice the nature or integrity of the existing landscape pattern and the landscape character setting of the site.

The visual impact analysis predicts that there is the potential for a significant impact to occur during the creation of the westerly screening bund, when viewed from Kerr Jnd-Kunda – a dwelling house to the west and just across the B979. However, the creation of the screening bund would be a short term impact that would result in long-term screening of the proposals and will be planted with a native woodland mix (controlled via an appropriately worded planning condition).

The remainder of the visual impacts will generally be of moderate/ slight significance for close proximity views, reducing to slight or no change for medium to long distance views, predominantly during phase 1 and the creation of the westerly screening bund.

The removal of the large stockpile in the north of the site will also considerably improve the visual impact of the existing development upon the wider landscape. Further the planting of native woodland will help maintain a well-balanced broadleaf woodland structure to the local landscape area whilst providing a softening to the visual impact of the development proposals within the landscape.

Overall, the landscape and visual impact assessment element of the proposal, along with the landscaping mitigation measures proposed are considered to be acceptable. The proposal is therefore considered to accord with Policy D2 (Landscape) of the ALDP 2017.

Services (including Access and Water / Drainage)

Access is from the B979, then via an access road running for approximately 650m to the quarry entrance. North Lasts Manor and North Lasts Steading are also accessed from this road.

The proposal would result in the extension and continuation of quarrying operations and the production of sand as an additional quarrying product. All resulting in an increase in HGV traffic movement from 4 in total (in and out) to six (in and out) per day. The applicants have indicated that this would relate to a period of ten years from the granting of planning permission.

The proposal was subject to consultation with colleagues in the Roads Development Management Team, who have raised no objection to the application. They comment that the enhancement of operation would not significantly increase HGV movements on the network, as indicated in the submitted Traffic Assessment. They have indicated that the site would provide adequate car parking for additional staff, controlled via planning condition. As a result the proposal is considered

to accord with Policy T2 (Managing the Transport Impact of New Development) and its associated Supplementary Guidance: Transport and Accessibility.

Wheel washing, to ensure that there is no negative impact on the surrounding network would be controlled as a condition of this planning consent.

The proposal was accompanied by a Flood Risk Assessment (FRA) and Drainage details relating to the proposed extension. SPP states that *“the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere”*. The FRA has incorporated a 1 in 200 year design flow, and including calculations for a 1 in 200 year flood level along the northern boundary of the site - the Ord Burn corridor. This estimated a 1 in 200 year level of 76.4m AOD and at the bridge across the B979 76.1m AOD. In response it is proposed to locate the soil storage and screening in the north-western part of the site on ground exceeding 76m AOD and located out-with the functional flood plain. In the conclusion of the FRA it is stated that *“in order to provide a freeboard to the design flood level, it is recommended that the minimum ground level for soil storage is 77m AOD*. This mitigation measure would ensure that the proposed quarry extension would not affect the 0.5% AEP flood levels or floodplain storage of the Ord Burn and would therefore not lead to an increase in flood risk. This matter would be controlled via condition 4 below.

Scottish Planning Policy (SPP) states that *“Planning authorities should ensure that rigorous procedures are in place to monitor consents, including restoration arrangements, at appropriate intervals, and ensure that appropriate action is taken when necessary. The review of mineral permissions every 15 years should be used to apply up-to-date operating and environmental standards although requests from operators to postpone reviews should be considered favourably if existing conditions are already achieving acceptable standards.”* In this regard the quarry has an up-to-date environmental management plan (approved as part of the previous permission Ref: 160522) and a site management plan and site restoration and management plan would be controlled via conditions associated with this consent.

Site water management schemes shall be subject to on-going assessment and modification, as required, to ensure that water is managed appropriately and in accordance with the Water Environment and Water Services Act 2003, and the Controlled Activities Regulations 2011. SEPA have the locus for such matters.

As a result of the above and subject to condition the proposal is considered to be acceptable. No statutory consultees, including SEPA and the Council's Flood Prevention Unit have objected. The proposal is therefore considered to accord with Policy NE6: Flooding, Drainage and Water Quality and the associated Supplementary Guidance: Flooding, Drainage and Water Quality of the ALDP.

The Impact on the Natural Environment, Wildlife and Habitats

The ES includes a detailed ecological assessment, which has been considered in detail by SNH, SEPA and the Council's Environmental Policy Team. The assessment looked at a number of matters including: a Phase 1 Habitat Survey, bats, otters, badgers, water voles, red squirrel, breeding birds and impacts on animals who utilised the Ord Burn. Following further consultation, both an Otter Protection Plan and Badger Protection Plan were submitted and assessed by SNH and the Council's Environmental Policy Team.

The proposed extension of the quarry would result in blasting as close as 75m to the Ord Burn corridor. As such a number of surveys were undertaken in both 2015 and 2017, which confirmed that both badgers and otters were present, with one sett (also in use as a Holt) present and two potential Holts identified nearby, with evidence of badgers in the vicinity. Detailed discussion is set out below:

Bats: no trees are available for roosting bats within the survey site or within 100m. It was therefore concluded and agreed that bats are not an ecological constraint.

Otters: an otter Holt was identified towards the north-eastern boundary of the survey site, located on the Ord Burn. Monitoring undertaken has confirmed that this constrains the proposals. SNH have responded in this regard and monitoring of the otter Holt would take place on a 3 monthly basis, whilst blasting or ground works may cause disturbance. If breeding is confirmed, but the cubs are still very young, it would be advisable to suspend work within 200m for up to 10 weeks or until the cubs are mobile. The birthing period for otters in the Dee catchment is November to February inclusive and it was therefore suggested that the management of the blasting be timed to avoid this peak period. This would reduce the likelihood of unscheduled delays to blasting or the need to alter the location of the blasts.

If breeding is suspected, on site-activity within 200m of the Holt should be suspended until it can be demonstrated that either: breeding is not in fact occurring; or the cubs are sufficiently old/mobile for alternative sites to be used. A licence would be needed from SNH for blasting within 100m of a non-natal Holt, and subject to this, and an appropriately worded condition, this element of the proposal was considered to be acceptable. The Council's Environmental Policy Team was also content on this basis.

Badgers: there were no badger setts within the survey site, or within 100m of any area where blasting may occur, so badgers are not considered to be a constraint. Notwithstanding this, as badgers are present in the wider area, a badger protection plan was requested and assessed.

Within this document, it was proposed to resume surveying of the setts prior to any works that are within 30m, for general works, and within 100m for blasting. A three week survey period was suggested, and this would occur at least one month prior to the planned works. It should be noted that there is a presumption against the grant of a license during the breeding season (December to June) unless it can be demonstrated that no setts are being used for breeding. Additional survey work has concluded that the location of the main sett should be provided during the breeding season, to give confidence that the outliers are not being used for breeding. The use of cameras has been recommended for this. A licence would not be granted if these mitigation measures are not provided.

Water Vole: there is no suitable habitat for water voles, and there was no evidence of said animal within the buffer zones identified.

Red Squirrel: there was no suitable habitat in the survey site; there is however some evidence of squirrels (either grey or red) at the nearest conifer plantation to the north, across the Ord Burn. However, as blasting would not occur within 25m of the woodland strip, squirrels are not considered to be an ecological constraint. Lack of species identification is not considered a constraint or significant issue, as the extension would not extend nearer to the woodland than the existing soil or top soil storage area, and as evidence of squirrel presence was within 10m of the existing soil storage area it is not considered that the extension would increase the disturbance, as co-existence with the current works has not displaced the species.

Breeding bird survey: the applicants submitted a breeding bird survey which included proposed pre-works bird surveys during the bird breeding season. Sand martins and common gulls were both recorded nesting in the quarry, and as this is to be deepened as part of the application, pre-start surveys are required to ensure the nests are not destroyed - controlled via condition. As a best practice measure, it is recommended that any blasting within 100m of the woodland is done between mid-July and mid-April to avoid the key breeding seasons for birds.

Phase 1 Habitat: the habitats within the survey site are considered to be of a negligible ecological value, and therefore the proposed extension would not have any potential for significant impact on any habitat other than removal of rank pasture with sparse patches of scrub. The adjacent riparian corridor along the Silver/ Ord Burn and in particular the small area of vegetation to the east of the B979 road would not be impacted upon by the proposed extension. Although the application site boundary does include the field up to its boundary with the riparian corridor there are no plans to extract minerals in close proximity to this location, as this corridor and the B979 act as significant constraints on more expansive extraction. As a result there would be no significant impact on this area.

Impact of Blasting on Salmonids: there is no known use of the Ord Burn by salmonids so there would be no ecological constraint in this regard. The stretch of the burn running parallel to the application site is slow flowing with a sediment bottom, or is fast and shallow but under the shade of conifers, so neither habitat is suitable for fawning fish, and there is a reduced potential for migrating fish to spend much time close to the site where better habitats exist upstream and downstream, so with suboptimal fish habitat present and no current use the works cannot be said to have an impact on salmonids.

The proposal has been assessed in detail by both SNH and the Council's Environmental Policy Teams, who, following the submission of additional information have raised no objection to the proposed development, subject to conditions discussed above and set out below. The proposal would not have an impact on any designated sites or protected species (subject to appropriate conditions) and would therefore accord with the general provisions of Policy NE8: Natural Heritage and the associated Supplementary Guidance: Natural Heritage of the ALDP.

Trees and Woodland

There is to be no impact on existing trees or woodland as a result of the proposal to extend the quarry and details of landscape buffers around the quarry, which would lessen the overall visual impact of the quarry on the surrounding area are submitted. This is considered to be acceptable, although a condition requiring the submission of further detail of the trees and any future maintenance of said scheme is recommended. Subject to the imposition of this condition the proposal would accord with Policy NE5 (Trees and Woodland) of the ALDP.

Pipelines

The text contained within the ALDP indicates that the site is located within a pipeline consultation zone and all developments should conform to the terms of Policy B6: Pipelines, Major Hazards and Explosive Storage Sites. The aforementioned policy states that the Council will take full account of the advice from HSE in determining planning applications and also consult the operators of pipelines where development falls within these zones.

HSE were consulted although no response has been received; it is therefore assumed that they have no objection to the proposal. Shell and BP were also consulted on the application due to the proximity of their respective pipelines. Shell had no objection, commenting that the proposal would have no impact on their pipeline; BP also had no objection, subject to the insertion of a condition relating to scheduled blasting operations within the quarry – set out in condition 6 below. As a result it is considered that the proposal accords with Policy B6: Pipelines, Major Hazards and Explosive Storage Sites of the ALDP.

Effects on Communities (Noise, Blasting and Dust)

A noise assessment has been undertaken which measured the existing noise levels at three nearby residential receptors (North Lasts Steading, Wester Ord House and Kerr Jnd-Kunda). The resulting noise levels predicted to be generated and the distance of the quarry to adjacent properties are within the limits set out in PAN50 (Annex A), incorporation of the proposed bunds and landscaping would also help to lessen the impact. The noise assessment showed an average

noise level of 47dB (and maximum of 53dB) could be achieved at all receptors adjacent to the site for the duration of mineral extraction. This noise level is below the maximum decibel level as advised in the PAN 50 guidance which is 55dB. The noise level predicated for soil stripping and associated mound construction is 48dB, a level which is significantly below the 70 dB set out in PAN 50. During Phase 1, when over burden washing is taking place and unsuitable material is being tipped from the western screening mound, the maximum noise level would reach 54dB, again in line with national guidance. The noise level for the remaining routine operations would be between 41 and 49dB, all of which would be below the 55dB as set out in PAN 50. It is therefore considered that noise mitigation methods outlined within the Noise Assessment submitted as part of the ES would ensure that the noise levels were within the parameters advised by PAN 50. Environmental Health are content with the noise assessment and predicated levels and have suggested a suitably worded planning condition, set out below.

Dust: A dust assessment was submitted identifying three potential dust sensitive neighbouring properties, which concluded that (having taken cognisance of factors such as climate (wind and rainfall), local topography and separation distances between the dust generating source and potential dust sensitive locations) any potential impacts that may arise could be controlled via good site management practices, with the measures detailed within the Dust Management Plan submitted in compliance with the current planning conditions. It is considered that a similar condition (condition 10) should be added to control continued compliance.

Following advice contained within PAN 50 Annex B, control of dust emissions and mitigation of the potential environmental impacts of dust from the operations shall be controlled via a Site Dust Management Strategy. Overall the potential for dust emission from the site is low and it is unlikely that there will be any significant reduction in air quality.

Blasting: There is a condition attached to the existing planning consents which requires blast vibration monitoring to be carried out and this will continue to be adhered to. Blasting has also been discussed previously in this report, and SNH have requested that further monitoring take place to assess potential impacts on badgers and otters – this is controlled via condition and would also require a separate licence from SNH. In addition, monitoring is also carried out along the adjacent oil pipeline and the vibration limit required by BP would be retained. Two electricity pylons have also been assessed and charge reduction measures would be necessary to meet the vibration limits associated. The report also commented on species using the Ord Burn, and that their breeding season would need to be protected. The proposal has been assessed by a number of consultees, including SEPA, SNH, BP and Environmental Health, who have confirmed that the blasting levels would be acceptable and would be controlled via appropriately worded planning conditions.

As a result, and subject to condition, the proposal is considered to be an acceptable and accords with Policy T4: Air Quality and T5: Noise of the ALDP, as well as the associated Supplementary Guidance Notes in relation to Air Quality and Noise. An appropriate level of residential amenity would be retained as a result of this development.

Restoration and Aftercare Proposals

From the cessation of quarrying operations, a period of one year has been allowed for the completion of restoration. This restoration would address the stability and safety of the areas that have been subject to excavation or the effects of excavation. This matter could be controlled and implemented via condition 2. The applicants have submitted a conceptual restoration proposal (Drawing No: PG412/PA/F/11) with the objective of *“creating an area of nature conservation interest focussed on a species rich grassland comprising of semi-natural mixed woodland of local provenance. A low nutrient base profile will be loose tipped over the quarry floor and benches to stimulate natural regeneration. Broadleaf tree planting will also be extended into the north-eastern*

corner of the site to provide habitat corridors linking the existing mature woodland to the north of the site with the proposed new woodland”.

At cessation of operations, buildings and plant would be removed and the processing and stocking areas and these areas would be reinstated. The site access would be retained for the continued use of North Lasts, North Lasts Steading and North Lasts Manor. Thereafter restoration areas would be subject to a five year aftercare period. As a result, the proposal accords with PAN 64, which aims to ensure that satisfactory reclamation procedures are in place. Condition 7 also requires the applicant to enter into a restoration and aftercare guarantee to ensure that the amount of the guarantee or financial provision so proposed is sufficient to meet the full estimated costs of dismantling, removal; disposal, site restoration, remediation aftercare liabilities and incidental work as well as associated professional costs.

Land Contamination

No comment was received from the Council's land contamination service and it is reasonably assumed that they have no objection to the development. As a result the proposal would not offend the requirements of Policy R2: Degraded and Contaminated Land.

Issues Raised in Letters of Representation

- Matters in relation to dust have been assessed elsewhere in this report, and would be controlled via Condition 10;
- The proposal is considered to be wholly compliant with all relevant national and local planning policies, including PAN 50;
- Matters in relation to noise, blasting and impacts from dust have been addressed elsewhere within this report – with acceptable levels of residential amenity anticipated;
- The site has been operating as a working quarry since 1976; with an opportunity site (OP 44) designation existing in the recently adopted local development plan noting the continued extraction. It is therefore considered appropriate to extend the life of the quarry by the requested period. The planning history of the site is also noted, and a number of conditions attached to this consent would aim to further control material concerns raised;
- The Noise Assessment has been assessed by colleagues in Environmental Health, who have raised no objection; and
- Proposed operating hours are: 0730 hrs to 1800 hrs Monday to Friday and 0730 hrs to 1600 hrs on Saturday and at no time on Sunday, and from 0600 hrs to 1800 hrs Monday to Friday, and 0700 hrs to 1800 hrs Saturday and Sunday for the coating plant only. These are considered to be appropriate. It is also noted that there would be no working within the coating plant following the completion of works to the AWPR.

There were no matters raised in the submitted letters of representation that would warrant refusal of planning permission in this instance.

Processing Agreement/ Extension of Time/ Stop the Clock

The proposal has been subject to a Processing Agreement.

Conclusion

Any proposal for mineral extraction will have associated environmental implications and some impact on the amenity of the surrounding area. However, minerals can only be worked where they are found, this in itself can result in a significant constraint. The key considerations are the

significance of these impacts, compatibility with the development plan, and any other relevant material considerations.

The proposal has been reviewed by a number of consultees, who have raised no objection to the application (subject to a number of conditions) and who have confirmed that the development would not adversely affect any designated sites of nature conservation or built heritage interest, or give rise to any other significant environmental impacts. The proposal has been assessed by colleagues in Roads Development Management, who have noted that whilst there will be a small increase in traffic movements, this would not be to such an extent that would warrant any mitigation.

The proposed landscape and visual impact has indicated mitigation measures in the form of bunding and tree planting, which would lessen the overall visual impact of the proposed development. Appropriate mitigation and aftercare schemes have also been agreed and will be controlled via an appropriately worded planning condition.

Overall, the proposal to extend the overall operating lifespan of North Lasts Quarry to 2047 is in accordance with national, strategic and local planning policies as evaluated above. No matters raised in the submitted letters of representation would warrant refusal of planning consent in this instance. Subsequently the proposal is recommended for conditional approval for the reason and conditions highlighted below.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposal is considered to be an acceptable form of development which is in accordance with Scottish Planning Policy (SPP) and Planning Advice Notes (PAN) 50 (Controlling the Effects of Surface Mineral Workings) and 64 (Reclamation of Surface Mineral Workings), in that the proposal will ensure an adequate supply of minerals within Aberdeen City, and would ensure a bank of permitted reserves of construction aggregates for a period exceeding 10 years (30 years in total).

The proposal also accords with the Aberdeen City and Shire Strategic Development Plan, which aims to ensure that development such as mineral extraction is justified against the aims, strategy, objectives and targets of the plan.

The site has been allocated for mineral undertakings within the Aberdeen Local Development Plan (OP44) and the proposal is considered to be consistent with the terms of Policy NE2 (Green Belt) and R1 (Minerals) of the Aberdeen Local Development Plan 2017. The proposal has been assessed against natural heritage issues and is considered to be in accordance with Policy NE8 (Natural Heritage), in addition adequate landscaping / bunding would be provided, with conditions inserted in relation to the submission of a landscaping plan, the proposal is therefore considered to be consistent with the terms of Policy NE5 (Trees and Woodland) and Policy D2 (Landscape).

The increase in usage of the surrounding network has been assessed as negligible by the Council's Roads Development Management Team and no mitigation contributions are required in this instance. The proposal is considered to accord with policy T2 (Managing the Transport Impact of Development).

There are no material planning considerations which would warrant refusal of planning permission in this instance.

CONDITIONS

1) Temporary Permission

Planning permission is hereby granted for a temporary period only and shall cease to have effect 30th April 2047 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and reinstated in accordance with the agreed restoration and aftercare scheme submitted to and approved in writing by the planning authority under the terms of condition 2 of this permission.

Reason: To enable the impact of the temporary development on the amenity of the surrounding area to be reviewed and to ensure the appropriate restoration and aftercare of the site.

2) Restoration and Aftercare Plan

At least one (1) year prior to mineral workings ceasing on the site and prior to any phased restoration works, a restoration and aftercare plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the said scheme. The plan must include information on any proposals for phased working and progressive restoration, as well as the effect that any restoration will have on the water environment, including groundwater quality and quantity. The said plan must also include an assessment of the effect that any backfilling below the water table will have on groundwater.

Reason: To retain control over this temporary form of development and ensure that the site is appropriately restored in the interests of the protection of the environment.

3) Updated Environmental Management Plan

That prior to the commencement of development, the proposals for the extended quarry area are to be added to the existing Environmental Management Plan, or an individual Site Specific Management Plan shall be provided for the extended quarry area, and all works should be undertaken in accordance with the approved plan.

Reason: In order to minimise the impacts of the mineral extraction works on the environment and ensure up-to-date operating and environmental standards on site. Provided the proposals for the extended quarry area will be in accordance with those previously agreed for the existing quarry we do not require further consultation on this.

4) Storage Capacity of Floodplain

No storage of material, or other works that would have a detrimental effect on the storage capacity of the functional flood plain, on ground along the northern and north-western site boundary with a level of 77m AOD or below.

Reason: to protect people and property from flood risk and safeguard the capacity of the functional floodplain.

5) Noise Levels

That the equivalent noise level (Leq) shall not exceed 55 dB(A) measured as a one hour free field Leq at any noise sensitive property external to the site boundary. If a valid complaint is received this shall be investigated the details for measuring, shall be agreed in consultation with the Planning Authority and thereafter submitted and approved in writing by the planning authority

Reason: In the interests of minimising noise emission.

6) Blasting Operations

Ground vibrations as a result of blasting operations shall not exceed a peak particle velocity of 6mm/sec in 95% of all blasts measured over any period of six months and no individual blasts shall exceed a peak particle velocity of 12mm/sec as measured at vibration-sensitive buildings. For the purposes of this condition the measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface, and shall be agreed in writing with the Planning Authority in consultation with colleagues in Environmental Health.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

7) Restoration and Aftercare Guarantee

No works in connection with the development hereby approved shall commence unless the developer has provided to the planning authority written details of the guarantee or other financial provision that is proposed to be put in place to cover all site restoration and aftercare liabilities at the end of the period of this permission. The developer shall also provide an independent confirmation by a chartered surveyor (whose appointment for this task has been approved by the planning authority) that the amount of the guarantee or financial provision so proposed is sufficient to meet the full estimated costs of dismantling, removal, disposal, site restoration, remediation aftercare liabilities and incidental work as well as associated professional costs. No works shall commence on site unless written confirmation has been given by the planning authority that the proposed guarantee is satisfactory and the developer has confirmed in writing to the planning authority that the guarantee has been put in place. The guarantee or other financial provision must:

- a) be granted in favour of the Council as planning authority;
- b) be from a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- c) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this permission by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by on or behalf of HM Government between the date of this permission and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities;
- d) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period.

In the event that the guarantee becomes invalid for any reason, no operations shall be carried out in connection with the development hereby approved unless a replacement guarantee, completed in accordance with the terms of this condition has been submitted to, and approved in writing by the planning authority.

Reason: To ensure financial security for the cost of the site reinstatement and aftercare liabilities is in place in the interests of the visual amenity of the area, and in terms of environmental protection.

8) Hours of Operation

Unless otherwise agreed in writing with the Planning Authority, the hours of operation of the quarry shall be restricted to 0730 hrs to 1800 hrs Monday to Friday and 0730 hrs to 1600 hrs on Saturday and at no time on Sunday, and from 0600 hrs to 1800 hrs Monday to Friday, and 0700 hrs to 1800 hrs Saturday and Sunday for the coating plant only. Following the commencement of use of the main section of the Aberdeen Western Peripheral Route (AWPR), the operating times of the coating plant only, shall revert to 0600 hrs to 1800 hrs Monday to Saturday and at no time on a Sunday.

Reason: In order to preserve the amenity of the neighbourhood.

9) Wheel Washing Scheme

No works in connection with the development hereby approved shall commence unless a scheme for mud control and wheel washing has been submitted to and approved in writing by the planning authority. The development hereby approved shall not operate unless the mud control and wheel washing scheme has been implemented in accordance with the approved details. Once implemented the mud control and wheel washing scheme shall thereafter be permanently retained in accordance with the approved details.

Reason: To ensure that mud, stones and other debris is not carried onto the public road from the site in the interests of road safety.

10) Dust Suppression Scheme

No works in connection with the development hereby approved shall commence unless a scheme for suppressing dust from activities on the site has been submitted to and approved in writing by the planning authority. The development hereby approved shall not operate unless the dust suppression scheme has been implemented in accordance with the approved details. Once implemented the dust suppression scheme shall thereafter be permanently retained in accordance with the approved details.

Reason: To ensure that dust from the development does not result in undue loss of amenity for surrounding properties.

11) Access Maintenance

That the surface of the shared access road to the quarry and junction with the B979 shall be surveyed/ reviewed on a regular basis, and reported to the planning authority on an annual basis. The access road shall thereafter be maintained in good condition and any damage incurred by the use of heavy vehicles is remedied without delay to the satisfaction of the planning authority

Reason: In the interests of public safety.

12) Sunday Working

Prior to the commencement of Sunday working, a scheme/procedure for the handling of noise complaints (including a hierarchy of remedial action to effectively address noise emissions in the

event of a complaint) shall be submitted in writing to the satisfaction of the Planning Authority. Thereafter, the scheme shall be implemented in its entirety

Reason: In the interests of public and residential amenity.

13) Quarry Materials

A six-monthly record of the amount of material leaving the quarry shall be submitted to the Council, as Planning Authority. The rate of exportation shall not exceed 125, 000 tonnes per annum, unless agreed in writing by the Council as Planning Authority.

Reason: To restrict the rate of exportation in accordance with required operations and proposals and in the interests of visual amenity and road safety.

14) European Protected Species

That not more than 6 months prior to the commencement of development on the proposed extension, prestart checks shall be carried out to the satisfaction of the Council as Planning Authority. The pre-start checks will investigate the presence of any European Protected Species on site and shall set out appropriate mitigation measures and an implementation programme, if evidence of any protected species is encountered, which shall be submitted for the written approval of the Council and thereafter carried out as approved.

Reason: To investigate the presence of and safeguard protected species.

15) Cessation of Works

Should, for any reason, the extraction of sand and rock from the site cease for a period in excess of 12 months, the extraction shall be deemed to have ended. An updated scheme, plan and schedule for the restoration of the worked area, to date, shall be submitted for the written approval of the Council, as Planning Authority within 2 months of the effective cessation of quarrying operations (as mentioned above). The updated scheme of restoration as approved shall be carried out in a similar manner to that referred to in the Planning and Environmental Statement (Johnson, Poole and Bloomer, 2016) within a year of the aforementioned early cessation of extraction.

Reason: To ensure the satisfactory restoration of the site and to minimise the temporary loss of agricultural land should extraction operations cease over a 24 month period.

16) Annual Progress Plan

That within one year from the date of commencement (and annually thereafter for the duration of extraction and restoration operations approved through this permission), an annual progress plan and environmental audit shall be submitted to the Council as Planning Authority. The annual progress plan shall detail:

- The extent of extraction operations undertaken that year;
- Areas prepared for extraction, including any soil stripping;
- The extent of backfilling;
- The extent of restoration operations carried out;
- Recent topographical site survey
- Current and anticipated production figures;
- Total tonnage dispatched within the preceding year;
- Estimation of remaining mineral reserves;

- Compliance with statutory permissions and legal agreements;
- Site complaint logs and actions taken
- The effects of the development on the environment, including noise, dust and water monitoring
- Measures taken to implement the restoration and aftercare provisions and the intended operations for the next 12 months

Reason: To monitor the impact of the site on its local environment and on neighbouring land uses; in the interest of visual amenity having regard to the rural location of the site; in the interest of residential amenity; to remedy any negative impact on the local environment and neighbouring land uses; in the interest of convenient and satisfactory assimilation of the restored site's agricultural, woodland and countryside uses to the adjoining land; and to ensure continuous consistent performance of work on the development until completion of restoration and the aftercare period.

17) Landscaping Scheme (no details known)

No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained.
- b) Protection measures for the landscape features to be retained.
- c) Existing and proposed finished levels.
- d) The location of new trees, shrubs and grassed areas
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- f) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion 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. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

18) Programme of Archaeological Works

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing

by the planning authority. The PERD shall be carried out in complete accordance with the approved details. The WSI should also include a monitored topsoil strip of the area.

Reason: To safeguard and record the archaeological potential of the area.

19) Noise Disturbance

In the event of complaint (as mentioned in Condition 5), noise monitoring shall be carried out in accordance with BS 5228- 1:2009 by independent specialist consultants acting jointly with the Planning Authority. Results of all noise monitoring shall be supplied to the Planning Authority.

Reason: to ensure minimum disturbance from operations and avoidance of nuisance to the local community.

20) Otter Protection

No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a otter protection strategy has been submitted to, and approved in writing by, the local planning authority. The strategy proposed shall include the following.

- No interference with the holt, except where there is a need to set up sand pads and trail cameras nearby, for monitoring;
- Continued monitoring of the status of the holt at 3 monthly intervals throughout the timeframe when blasting operations will be taking place.
- No blasting closer than 75 m from the holt, but subject to the monitoring evidence (i.e. if breeding is confirmed, cease blasting in this area);
- If breeding is detected and young are present, have a back-up plan in place for blasting in other parts of the site beyond 200 m of the holt.
- Ensure that a protection zone is clearly marked off (with posts and tape) around the holt where no ground works, vehicle movement, entry of quarry personnel etc. can take place; this should be ~60 m from the holt, as the application does not indicate works within ~60 m of the holt.
- Avoid blasting over the winter months (November – February inclusive) within 200 m of the holt, unless there is conclusive evidence that the holt is not used for breeding.

Reason: In order to protect and enhance biodiversity in the environment

21) Dust Suppression Measures

At all times during the carrying out of operations authorised or required by this planning permission, and in addition to requirements covered by PPC permit, dust control measures shall be implemented in accordance with the guidance given in PAN 50 Annex B and in accordance with the provisions of the submitted Dust Assessment (Johnson, Poole and Bloomer – November 2016).

Reason: to minimise the emission of dust from the development in the interests of amenity of the area.

22) Waste Management License

No infill material, other than topsoils and subsoils as exempted under the provisions of the Waste Management Licensing Regulations 1994 (as amended), shall be brought onto the site without benefit of the requisite planning permission and Waste Management License and only in

accordance with a scheme of restoration and in locations approved in writing by the Planning Authority.

Reason: in order to control the deposition of waste.

23) Copy of Plans on Site

From the date of any commencement of this development until completion of the final restoration, a copy of this planning permission, all approved plans and associated documentation together with any approved amendments shall be made available for inspection at the site offices during approved working hours.

Reason: To ensure the site operator and visiting officials are aware of the details of the planning permission and any approved amendments and discharge of the conditions.

24) Biodiversity monitoring strategy

No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to protect the surrounding environment, including the Ord Burn, to the north. The content of the Strategy shall include the following.

- (a) Aims and objectives of monitoring to match the stated purpose.
- (b) Identification of adequate baseline conditions prior to the start of development.
- (c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- (d) Methods for data gathering and analysis.
- (e) Location of monitoring.
- (f) Timing and duration of monitoring.
- (g) Responsible persons and lines of communication.
- (h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out how contingencies and remedial action will be identified, agreed with the planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be carried out in strict accordance with the approved monitoring strategy.

Reason: In the interests of protecting the biodiversity of the environment.

25) Driveway & Parking Provided

The quarry extension hereby approved shall not be implemented unless parking has been provided and fully paved in accordance with details to be submitted to and approved in writing by the Planning Authority. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: In the interests of road safety.

ADVISORY NOTES FOR APPLICANT

1) Restoration and Aftercare Plan

The Site Specific Restoration and Aftercare Plan should include the following:

- Proposals for phased working and progressive restoration
- Existing and proposed finished ground levels relative to a fixed datum
- Type and source of material to be used for restoration
- Surface water drainage arrangements
- Details of any buffer strips between the works and any water features, wetlands or peatlands on site and other measures to minimise pollution
- Demonstration that the restoration proposals will not have a detrimental impact on the water environment, including groundwater quality and quantity and must also include an assessment of the effect that any backfilling below the water table will have on groundwater flow
- A programme for the completion of the restoration and subsequent maintenance arrangements.

2) Asphalt Plant

The operation of the asphalt plant is regulated under a Pollution Prevention and Control (PPC) Part B permit. Any emissions, out with the site boundary, to air from the permitted activities shall be compliant with the relevant permit conditions. There is no requirement for a permit variation as the operation of the asphalt plant is to be continued.

3) Import Inert Waste

Section 1.8 of the Supporting Statement makes reference to “*utilising imported soils as appropriate.*” Should the applicant require importing inert waste for restoration purposes then they should contact SEPA’s local operations team in Aberdeen to discuss applying for an application for an exemption from the Waste Management Licensing (Scotland) Regulations 2011(if relevant). Full details of these regulations are available on their [website](#).

4) Breeding Birds

Please note that there is a possibility that breeding birds may be present [...in the property/on the site...]. Breeding birds are protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly damage, destroy, take or otherwise interfere with any nest, nesting site or eggs. This includes causing disturbance to the bird whilst it is nest building or near a nest with eggs or young or to disturb the dependent young of such a bird. If evidence of breeding birds is discovered works must cease immediately and the advice of Scottish Natural Heritage sought.

5) Otters

Please note there is a possibility that otters may be present on the site. All otters and their breeding or resting places are protected by law. It is an offence to disturb, injure or kill any otter or to damage, destroy or obstruct access to its resting or breeding place. Damage does not have to be deliberate to be considered an offence. Work that may impact on otters and their breeding or resting places can only be carried out under licence. If evidence of otters is discovered works must cease immediately and the advice of Scottish Natural Heritage sought.

6) Badgers

Should any badger setts be discovered during the construction period then all works must stop immediately and the Planning Authority and Scottish Natural Heritage consulted. Work should not re-commence until such time as appropriate mitigation measures have been agreed in writing with SNH.

7) Legal Protection for Otters

Otters are classed as European Protected Species (EPS) under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). It is therefore an offence to deliberately or recklessly:

- kill, injure, capture or harass an otter;
- disturb an otter whilst it is occupying a structure/holt (underground den) or other place it uses for shelter or protection, or while it is rearing or otherwise caring for its young, or in any way that impairs its ability to survive or breed, or significantly affects the local distribution or abundance of otters;
- obstruct access to an otter breeding site or resting place (e.g. holt or couch), or otherwise prevent their use; and
- damage or destroy an otter breeding site or resting place, whether or not deliberate or reckless.

This means that if otters could be affected in these ways by your development, and you take no action to prevent it, you run the risk of committing an offence.

Where impacts that would result in an offence cannot be avoided, a species licence can be issued in some cases to allow the works to proceed. Such licences will only be issued if certain tests are met (see licensing section below). It is important that any licensing issues are

considered as part of your planning application. This is to avoid a situation where planning permission is secured but the lack of a species licence prevents the development from proceeding.

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Easter Ord House,

Skene,

Westhill,

AB32 6SQ

30th December 2016

Ref: Planning Application 161687/DPP –North Lasts Quarry

Dear Sir,

I wish to comment on the above application as follows.

This application should be rejected on the grounds of

- 1) Failure to comply with Government guidance
- 2) Amenity
- 3) Planning Site history

Failure to comply with Government guidance – specifically Planning Advice Note PAN 50 Controlling the Environmental effects of Surface mineral Workings. Annex A. The Control of Noise at Surface Mineral Workings.

Definition of the working week

Paragraph 32 states. "The working week should generally be regarded as Monday to Friday and Saturday morning, while SATURDAY AFTERNOONS, Sundays and Public/Bank Holidays would normally be regarded as periods of rest. Variations on these may be appropriate in some circumstances if agreements can be reached"

On Saturdays the developer is seeking permission to operate the quarry until 1600 and the coating plant until 1900. No justification is provided for not complying with the guidance

Definition of daytime / night-time .

Paragraph 32 states, " Definitions of daytime and night-time may depend on local circumstances. Daytime should normally be defined as 0700-1900 hours and night-time as 1900-0700. In some areas 0800 hours may be more appropriate than 0700 hours"

Paragraph 33 states that "The night-time nominal limit should be 42db at noise sensitive dwellings"

The developer is seeking permission to operate the coating plant from 0600 with a nominal limit of 55db. No justification is provided for not complying with the guidance.

Temporary activities

Paragraph 41 states "It will often be necessary to raise the noise limits to allow temporary but exceptionally noisy phases in the mineral extraction operation which cannot meet the limits set for routine operations. A prime example would be to allow for the construction of baffle mounds. Other activities which would also merit a temporary raised limit include soil stripping, removal of spoil heaps and construction of new permanent landforms."

The developer wishes to class the processing of sand as a temporary activity. This is not specified as a temporary activity in paragraph 41 and should be subject to the noise limits set for regular (non-temporary) operations.

Definition of temporary

The developer is seeking to process sand over a period of ten years. It is not clear whether this would be on the basis of 8 weeks a year for ten years or one day a week every week for ten years. Either way very few people, possibly only the developer, would class an activity carried on for ten years as temporary

Summarising, the developers' application does not comply with Government guidance in respect of the definition of,

- the working week
- daytime / night-time operating hours and applicable noise limits
- temporary activities.

In addition the developer chooses an extreme definition of temporary .

Amenity

NOISE

Noise limits

Pan 50 Annex A paragraph 30 states

"This Annex recommends a set of absolute values for limits on site attributable noise, linked to daytime and night-time working periods which are considered to be related to the tolerance levels of most people. It must be stressed that it is NOT INTENDED THAT THE RECOMMENDED NOISE LIMITS SHOULD BECOME THE NORM AT WHICH OPERATIONS WORK;"

i.e. the nominal limits are not intended to be the default limits for operations

BS 8233 states that

" for external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50dB with an upper guideline of 55dB which would be acceptable in noisier environments " – which Easter Ord/Wester Ord/North Lasts are not

The World Health Organisation: Guidelines for Community Noise, April 1999 state,

"To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound level should not exceed 50dB"

Pan 50 Annex A paragraph 36 states,

“ A lower nominal daytime limit might be appropriate in quieter rural areas if a limit set at 55dB for noise from the proposed development would exceed the existing background noise levels by more than 10dB”

The Noise Assessment carried out by Vibrock indicates that the average background noise levels measured at the three properties selected were 32,36 and 37dB with maximums of 33.8,37.1 and 40.1dB

Quarry at Wester Ord.

Consideration should also be given to the cumulative noise impact arising from simultaneous operations at the Wester Ord quarry (APP/2015/0816). The maximum noise level permitted here is 50dB

Taken together, all of the above suggests that the noise limit for day time operations would most appropriately be set at 50dB or less.

Predicted Noise levels

The maximum predicted WORST CASE noise level is 54dB at Kerr Jnd-Kunda..

The prediction of 54dB is for overburden washing (i.e.sand processing) with western bund construction plus normal operations. Not allowing all of these operations simultaneously would presumably reduce this worst case.

Worst case predicted values for North Lasts Steading and Wester Ord House are 51 and 53 dB respectively.

The Vibrock study states 5.4.4 “in practice measured levels are invariably lower “ [than predicted levels].

There would therefore seem to be no reason for the developer to require a limit of 70db for activities which in any case are not classed as temporary in the guidance nor are temporary in duration.

Existing noise levels

a)The Vibrock study states, paragraph 7.3.2

“During the survey period, as requested by the Environmental Health Department of Aberdeen City Council, THERE WAS NO PROCESSING OR DESPATCH OF MATERIAL FROM NORTH LASTS QUARRY.”

Table 2 in the Vibrock study shows that the jaw crusher,cone crusher and screens are amongst the noisiest pieces of equipment. It is assumed that at least some of this is equipment used for processing material. If this is the case then all the measurements of existing noise levels are unrepresentative and lower than under normal operating conditions.

b) Easter Ord was not selected as a measurement site. Whilst further from the quarry operations than the other dwellings the nature of the topography between the quarry and Easter Ord,the

relative lack of screening to the east of the quarry and the prevailing wind all mean that noise levels at Easter Ord could be at least as high as at other dwellings..

The existing noise survey is thus not only unrepresentative of normal operations but also incomplete.

Noise Minimisation Plan

There isn't one. PAN 50 Annex A, paragraph 30 states that

"operators are asked to take any reasonable steps they can to achieve quieter working wherever this is desirable and technically feasible, having regard to the principal of BATNEEC"

The application contains no indication that BATNEEC or similar has been applied, e.g. to the selection of the mobile processing plant it is intended to use to process the sand. Instead there are vague generalised statements such as "every effort will be made to minimise potential noise impacts" but no specifics as to how this might be done.

It is not clear when the proposed westerly screening bund is to be constructed. If it is after the sand processing then other measures, set out as good practice in PAN 50 e.g. temporary bunds or portable screens, may be required.

There is no mention of providing a screening bund to the east, i.e. in the direction of Easter Ord. Viewed from the entrance to the quarry there would appear to be sufficient space to construct one immediately north and east of the entrance.

DUST

"All emissions to air from the Permitted Installation shall be free from visible particulates beyond the Site Boundary"

There were at least three incidences of significant dust emission during just the last quarter of 2016.

Were they reported to SEPA as per the requirements of PPC/B/1016374 and as stated in the Dust Management Plan?

Dust suppression in action (or should that be inaction) at North Lasts Quarry



VISUAL IMPACT

There is no viewpoint from Easter Ord. This would clearly show the chimney of the asphalt coating plant almost in its entirety. (see photo)

Planning site history.

Current application

The developer is now applying for planning permission for 30 years on the basis that the "extended period is necessary in order that quarry development can be more effectively and efficiently planned. Additionally the operator requires the comfort of a longer term permission in order to be able to make the significant capital investment required to maintain a modern operation.." (Information Leaflet for Public Event 21/04/16).

Following the total failure of the advert in the Aberdeen Citizen (which like other respondents in the area we do not receive.) I provided feedback to the subsequent mailshot as follows,

"If planning permission is granted for 30 years rather than 15 years, in what way(s) will this make the planning of the quarry development more effective and efficient.

What investments would not be made if planning permission were granted for 15 years rather than 30 years? "

I received no reply.

The Pre-Application Consultation report makes no mention of my query

The subject does not appear to be addressed in any other part of the developers application. All that is put forward by way of justification is a bland statement about being more effective and efficient.

Consider that

- planning permission for the quarry operations has been granted on an approximately 10 yearly frequency since 1976. On this basis one would assume that the developer has made significant capital investment to maintain a modern operation,
- according to the 2015 accounts for Leiths total fixed assets were £33 million and depreciation was £3.7million, i.e . over 10%. On this basis one would assume that the quarry equipment is depreciated over a period of ten years or less.

Thus no specific justification is provided for requiring planning permission to be granted for 30 years and historical information suggests that operations have not been limited by 10 yearly planning permissions.

Previous site development

The coating plant was not subject to a planning process involving public consultation as it was deemed "associated equipment" and a permitted development

The erection of a 50ft chimney in 2014 was not subject to a planning process involving public consultation because it was deemed permitted under general planning rules 1992.

Following the most recent application, working hours at the quarry are no longer to be subject to public consultation. Also during January/February 2016 the developer operated the quarry on at least two Sundays in contravention of the planning conditions at that time.

The developer has a history ignoring planning conditions and of exploiting loopholes to avoid public scrutiny. The developer provides no assurances that he will not add further "associated" equipment or structures upto 50ft tall.

Thus approval of this application opens the way for the developer for the next 30 years

to add as much associated equipment as desired – without public consultation

to add as many structures upto 50ft tall as desired – without public consultation

to change working hours –without public consultation

SUMMARY

The application does not comply with the relevant government guidance and no justification is provided for not complying.

No adequate justification is provided for defaulting to a nominal noise limit of 55dB.

No adequate justification is provided for having a noise limit of 70dB at any time.

The survey of existing noise levels is unrepresentative and incomplete.

The application contains no indication that BATNEEC or similar has been applied in order to minimise the noise impact.

The current Dust Management Plan is not working satisfactorily.

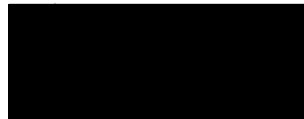
The visual impact from Easter Ord is ignored.

No adequate justification is provided for granting permission for 30 years of operation

The developer has repeatedly demonstrated that he will attempt to avoid public scrutiny whenever possible.

I look forward with interest to the assessment of this application,

Yours Sincerely



(David Rae)

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From: Angus Cooper
Sent: Sun, 8 Jan 2017 09:54:38 +0000
To: PI
Subject: Planning Application 161687/DPP - North Lasts Quarry

I would be grateful if you could accept these comments on this planning application by e-mail as I have been unable to submit online.

1. We believe that the noise survey (and therefore prediction of local impact) is incomplete. It does not seem to be fully representative of planned activity or take into account the potential impact to the east of the site (effect of prevailing winds and land contour). We already find that activity at the existing site has an impact on us, both with regard to background noise and blasting, which we can feel as vibration in our house.

2. Given these impacts we are concerned with regard to proposals to extend operating hours, both in the mornings and on Saturdays.

3. It is not clear why it is necessary to submit a planning application for 30 years. We are concerned that this application, in its current form, will allow future development of the site without the need for further permissions. In particular this is a concern with regard to permissible noise level for what are currently deemed temporary activities and operating hours.

With thanks for your consideration

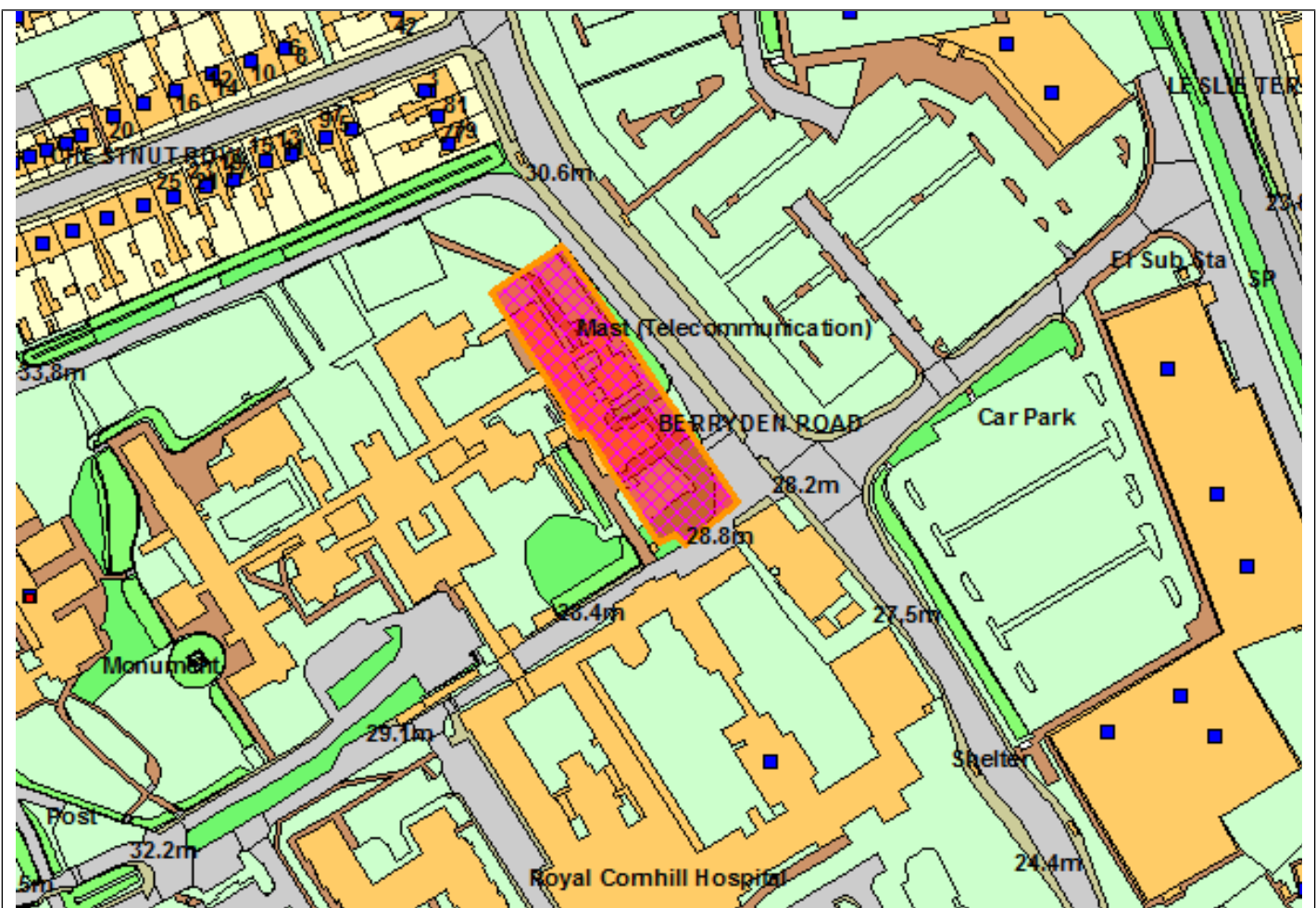
Angus Cooper and Carol Gilmour
Easter Ord Croft, Skene, Westhill, Aberdeenshire AB32 6 SQ.

Sent from my iPad

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	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 21 September 2017

Site Address:	Former Royal Cornhill Hospital, Cornhill Road, Aberdeen, AB25 2ZH
Application Description:	Material change to previous consent ref P130381 in order to accommodate 4 additional flats within the roofspace of building 5-8
Application Reference:	161282/DPP
Application Type	Detailed Planning Permission
Application Date:	6 September 2016
Applicant:	Barratt North Scotland
Ward:	Mid Stockel/Rosemount
Community Council	Rosemount And Mile End
Case Officer:	Gavin Evans



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RECOMMENDATION

Willingness to approve with conditions, subject to conclusion of a legal agreement securing:

- **Affordable Housing: £10,139.32**
- **Community Facilities: £1,992.00**
- **Car Club: £380.00**
- **Roads: £556.00**
- **Primary Education: £13,210.24**
- **Sport and Recreation: £1,216.00**
- **Library: £200.00**
- **Total £27,693.56**

APPLICATION BACKGROUND

Site Description

The current application concerns an area of land on the eastern edge of the former Royal Cornhill Hospital (RCH) site. The wider RCH site itself extends to 5.54ha and lies between Berryden Road, to the east, and May Baird Avenue, to the west. This current application site, which extends to 2688sqm and sits just to the north of the consented access junction onto Berryden Road, is the site of 'Buildings 5-8' in the approved layout, incorporating 66 units.

Relevant Planning History

Application Ref.	Proposal	Decision / Date
130381	Detailed Planning Permission for redevelopment of the former Royal Cornhill Hospital site (323 units)	Status: Approved with Legal Agreement 12.02.2015
130382	Substantial demolition in a Conservation Area	Status: Approved Conditionally 04.06.2015

APPLICATION DESCRIPTION

Description of Proposal

This application seeks planning permission for a material change to the consent previously granted. This relates specifically to Buildings 5-8 and involves the provision of an additional 4no flatted units within the roofspace, increasing the total number of units from 66 to 70. The external appearance of the buildings will be unaltered from the consented scheme. Earlier variations have allowed for the consented 66 units to be delivered in the lower floors, with the attic flats omitted from those varied plans. The current application seeks to formalise the provision of 4no extra units within that roof level. No additional car parking provision is proposed.

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=OD136DBZGLG00>.

The following documents have been submitted in support of the application –

- Existing and Proposed plans and elevations
- Supporting Planning Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection has been received from the local Rosemount and Mile-End Community Council.

CONSULTATIONS

Developer Obligations Team – This proposal will result in an additional 4 units to that already consented. The infrastructure rates will apply pro-rata in line with the existing legal agreement for P130381. Contributions are payable, based on the impacts resulting from the development, in the following areas: Affordable Housing; Community Facilities; Car Club; Roads; Primary Education; Sport and Recreation; Library provision. The total contribution payable is £27,693.56.

ACC - Roads Development Management Team – No objection to the proposal.

As no additional parking spaces are proposed the main concern, from a roads perspective, is whether or not there is sufficient parking available to cater for the new flats. Notes that current parking standards are less onerous than those applicable under the previous Local Development Plan. If the 'Inner City' standard is applied, as it was to the earlier application, there is no shortfall in car parking provision. Disabled parking provision remains compliant.

Rosemount and Mile-End Community Council – Object to the application on the basis that it is outwith the approved application and that the development should remain within original approved number of flats in the development.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

Aberdeen Local Development Plan (2017)

D1: Quality Placemaking by Design

D2: Landscape
 H3: Density
 H4: Housing Mix
 I1: Infra Delivery & Planning Obligation
 NE9: Access and Informal Recreation
 T3: Sustainable and Active Travel
 T2: Managing the Transport Impact of Development
 Transport and Accessibility
 R6: Waste Management Requirements for New Development
 OP77: Cornhill Hospital

Supplementary Guidance and Technical Advice Notes

Affordable Housing
 Flooding, Drainage and Water Quality
 Planning Obligations
 Resources for New Development
 Transport and Accessibility

Other Material Considerations

Scottish Planning Policy (SPP)
 Historic Environment Scotland Policy Statement (HESPS)

EVALUATION

Principle of Development

The former Royal Cornhill Hospital site extends to some 6.04ha and is identified in the current Aberdeen Local Development Plan as Opportunity Site (OP) 77. The ALDP identifies an opportunity for redevelopment comprising a residential, office and community uses. The site was also allocated for development in the preceding Local Development Plan, and the principle of development has been established through the approval of application 130381, which proposed a residential development of 323 units, including elements of both new-build and conversion.

The current proposal affects only the interior of the building, but requires planning permission as it would result in the formation of 4no additional residential units within the top floor of buildings 5-8. Nevertheless, in considering the current proposal it is noted that the design, appearance, position and footprint of the building would not differ from the scheme previously agreed. On that basis, it is considered that these matters have been previously agreed, and that the current proposal maintains compliance with policies D1 (Quality Placemaking by Design), D2 (Landscape), NE5 (Trees and Woodlands) and NE9 (Access and Informal Recreation). The proposal would increase the overall density of development, and requires assessment in terms of its density, provision for car parking, and sufficiency of car parking to accommodate additional units.

Density and Housing Mix

In terms of overall density, the proposal would result in an increase from 323 to 327 units across the wider Cornhill development. In relative terms this is a minor increase, and is not precluded by the ALDP opportunity site designation. On consideration of application 130381, the planning authority noted that the scheme achieved an overall density of approximately 58 dwellings per hectare, which comfortably satisfies policy Policy H3's minimum requirement for 30 dwellings per hectare. A Development Brief for the Cornhill site at that time identified an aspirational target of 70 dwellings per hectare, however this of course had to be balanced against other factors such as the retention and protection of existing trees, delivery of a coherent site layout around the conversion of existing buildings etc. The addition of a further 4no units with no corresponding increase in footprint is, in general terms, consistent with the aspirations of that Development Brief for a high-

density residential development. It is therefore considered that the proposal accords with the provisions of policy H3 (Density) of the ALDP. In terms of the range of housing available on site, the approved Cornhill scheme includes detached, semi-detached and terraced houses, along with flatted blocks. The addition of a further 4no flats within the top floor of this building does not introduce a new type of housing to the site, however it is noted that the consented scheme already makes provision for a wide range of types and sizes, so it is not considered that there is any resultant conflict with policy H4 (Housing Mix).

Refuse and Recycling

Provision is made for refuse and recycling storage within the previously consented scheme, and the addition of 4no units is not anticipated to result in any significantly increased burdens in this respect, however a condition attached to this consent can ensure that details of the arrangements for building 5-8 – including provision for increased capacity as necessary - are submitted and agreed in consultation with the Council's Waste Strategy Team in advance of occupation. This will ensure that adequate provision is made and that the proposal complies with policy R6 (Waste Management Requirements for New Development).

Accessibility and Parking Provision

The wider Cornhill development was considered against the 'Inner City' parking standards, despite lying just outwith the boundary for that area. This was considered necessary to ensure that the site could deliver the anticipated level of development whilst retaining its semi-parkland setting and preserving the character of the Rosemount and Westburn Conservation Area. It was also recognised that the site is within relatively convenient walking distance for the city centre and its facilities. The Council's Roads Development Management Team notes that the parking rates set out in current supplementary guidance are less onerous than those that applied at the time the wider application was considered, with the result that there is capacity for these additional 4no units to be accommodated without any causing a shortfall in parking. On this basis, it is considered that the proposal maintains the rates of parking provision established by the earlier consent, and does not result in any material conflict with policy T2 (Managing the Transport Impact of Development) or the associated 'Transport and Accessibility' Supplementary Guidance.

Matters raised by the local Community Council

It is noted that the Community Council has objected and has stated its view that development should be restricted to the number of units previously consented. The current ALDP allocation does not specify a maximum number of units. The Development Brief that applied at that time highlighted the potential for up to 364 homes, based on a density of 70 dwellings per hectare. As noted previously, there are constraints on the site that make that a particularly challenging density to achieve, however it is nevertheless the case that the addition of these 4no units does not represent a departure from the position established in either the Opportunity Site designation or the site-specific development brief that the overarching consent was approved against. On that basis, and having had regard to the relevant policies contained within the development plan, it is considered that there is no compelling reason to warrant restricting development to 323 units, or to warrant refusal of the current application.

Conclusion

The proposal would result in a slight increase in the density of development on the allocated Cornhill site, however this would not result in any change to the footprint or external appearance of the building in question, therefore there is no identified conflict with design policies, nor any change to the wider proposal in terms of trees, landscaping, open space and accessibility. The increase in density can be readily accommodated within the previously approved built form, and the change in car parking standards that accompanied adoption of the current Local Development Plan is such that there is no shortfall in parking provision. Developer obligations have been identified in several areas in order to offset the impacts of the development, consistent with the legal agreement covering the existing consent for development of the Cornhill site. Matters raised

in the local Rosemount and Mile-End Community Council's response are noted, and have been addressed in this report, however it is considered that the proposal accords with the relevant provisions of the development plan, and that no material considerations have been identified that would outweigh that position and warrant refusal of the application.

Heads of Terms of any Legal Agreement

A legal agreement will be required to secure the financial contributions identified above, which will be tied to the existing agreement, with contributions paid as summarised in the Recommendation section of this report below.

Time Limit Direction

The standard time period of 3 years for implementation of consent is considered appropriate, therefore no time limit direction is warranted.

RECOMMENDATION

Willingness to approve with conditions, subject to conclusion of a legal agreement securing:

- Affordable Housing: £10,139.32
- Community Facilities: £1,992.00
- Car Club: £380.00
- Roads: £556.00
- Primary Education: £13,210.24
- Sport and Recreation: £1,216.00
- Library: £200.00
- Total £27,693.56

REASON FOR RECOMMENDATION

The proposal is considered to represent an appropriate scale and form of development on the Royal Cornhill Hospital site, which would accommodate contemporary buildings of appropriate design alongside the existing architecture of the site, within a distinctive parkland setting. The proposal accords with policies CF1 (Existing Community Sites and Facilities) and would benefit from access to local shops and public transport facilities. An appropriate density and mix of housing would be provided on-site, including an appropriate proportion of Affordable Housing, in accordance with policies H3 (Density), H4 (Housing Mix) and H5 (Affordable Housing) of the ALDP. An environment of appropriate quality would be provided for residents, with access to areas of private amenity space and public open space, incorporating a significant number of existing mature trees and maintaining the landscape character of the site, in accordance with policies D2 (Landscape) and NE4 (Open Space).

The arrangement of space and styling of buildings demonstrate due regard for the site context, in accordance with policy D1 (Architecture and Placemaking) and the aspirations of Creating Places and its six qualities of successful places.

Proposals for vehicular and pedestrian access to the site are acceptable, and consistent with policies T2 (Managing the Transport Impact of Development), D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation).

Detailed matters requiring further submissions and/or implementation of agreed details in relation to site contamination, refuse storage and disposal, surface water drainage and reducing carbon emissions can be secured through appropriate conditions, ensuring compliance with policies R2, R6, NE6, and R7 of the ALDP.

In conclusion, the proposal is considered to demonstrate due accordance with the provisions of the Development Plan, and no material considerations, including issues raised in representations, were found to be of sufficient weight to warrant determination other than in accordance with the development plan.

CONDITIONS

1. That none of the buildings hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority for that building, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.
2. That no building within the development hereby approved shall be occupied unless the car, motorcycle (including a secure fixed point) and bicycle parking areas serving those buildings have been constructed, drained, laid-out and demarcated in accordance with a drawing which has first been submitted to and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development hereby granted approval - in the interests of public safety and the free flow of traffic.
3. That none of the units hereby approved shall be occupied unless refuse and recycling storage has been provided in accordance with a detailed scheme which has first been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.
4. That unless otherwise agreed in writing, no part of the development hereby granted planning permission shall be occupied unless all drainage works detailed on Fairhurst drawing number 96600/2050-revC (as approved in relation to the overarching consent ref. 130381) or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

ADVISORY NOTES FOR APPLICANT

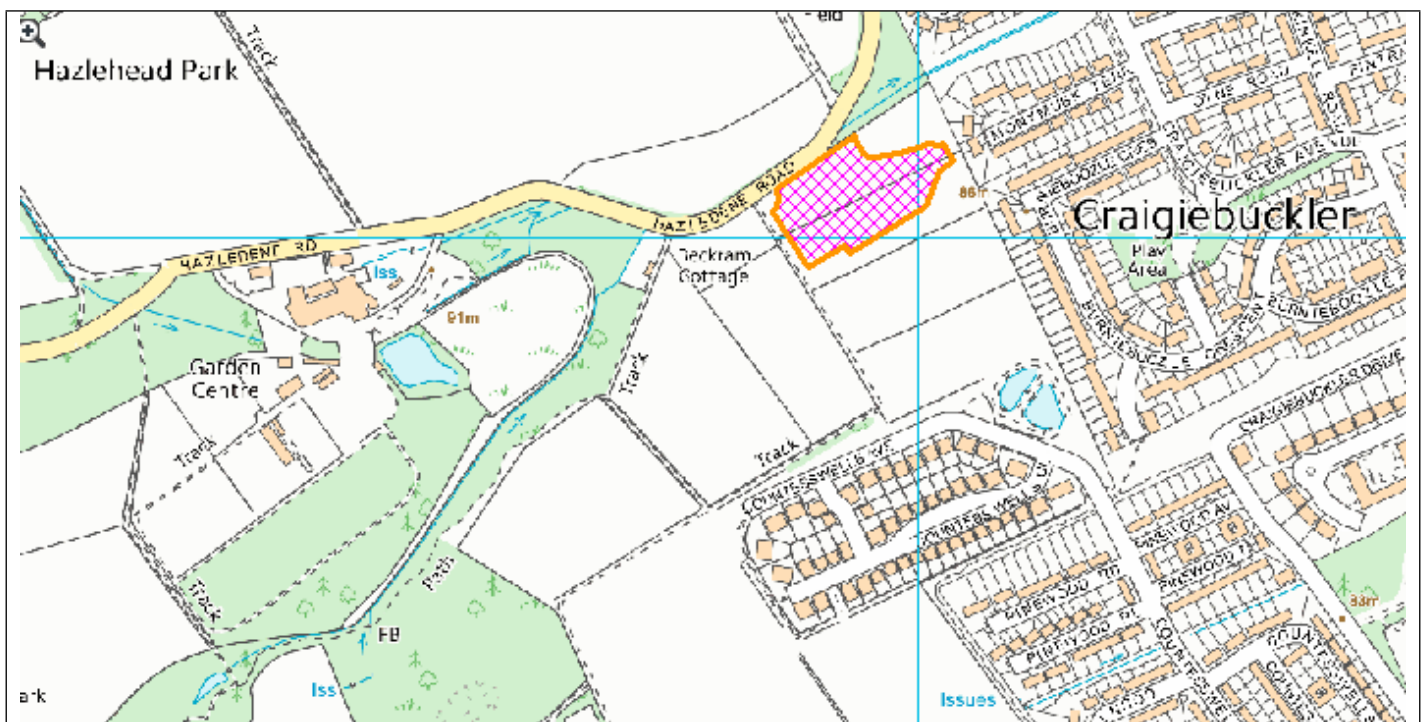
1. Construction Hours. It is recommended that no construction or demolition work should take place: (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. - in the interests of residential amenity. Please note that separate statutory noise controls exist under environmental health legislation.

2. Separate licencing regime for works affecting bat roosts

Please note that, separate from this grant of planning permission, it is likely that a licence from SNH will be required in relation to works affecting bat roosts - it is the applicants' responsibility to ensure that the appropriate licence has been obtained before such works affecting a European Protected Species (including demolition works) are undertaken.

	Planning Development Management Committee
	Report by Development Management Manager
	21 September 2017

Site Address:	Zone A (site Between), Countesswells Road/Hazledene Road, Aberdeen,
Application Description:	Erection of care home and 4 dwellings
Application Reference:	170525/DPP
Application Type	Detailed Planning Permission
Application Date:	11 May 2017
Applicant:	Dandara
Ward:	Hazlehead/Ashley/Queens Cross
Community Council	Craigiebuckler And Seafield
Case Officer:	Gavin Evans



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RECOMMENDATION

Willingness to approve with conditions, subject to conclusion of a legal agreement securing the following developer obligations:

- Core Path Network (£18,079);
- Open Space (£8,894); and

- Healthcare (£49,746 to contribute towards a new health centre at Countesswells).
- Total £76,719

APPLICATION BACKGROUND

Site Description

The application site forms a component part of the wider Hazledene development site, which is located between Hazledene Road, to the north, and the adjacent Pinewood development site, to the south. The Pinewood site is bounded by Countesswells Road to the south. Those two allocated development sites combine to form a wider development area, L-shaped in plan view, which sits directly to the west of the established residential areas of Countesswells and Craigiebuckler. Their combined site area is some 27 hectares, of which roughly 10.5ha is contained within the Pinewood site and 16.5ha within Hazledene. The current application concerns the north-eastern portion of the Hazledene site, which extends to 1.07ha and incorporates a frontage onto Hazledene Road.

Relevant Planning History

Application Number	Proposal	Decision Date
080831 (A8/0850)	Planning Permission in Principle: Residential development comprising circa 250 plots	19.08.2010
120029	Approval of Matters Specified in Conditions attached to 080831	23.08.2012
130994	Approval of Matters Specified in Conditions attached to 080831	28.11.2013

APPLICATION DESCRIPTION

Description of Proposal

This application proposes the construction of a residential care home comprising 81 bedrooms, along with associated car parking and landscaping, as well as 4no detached dwellinghouses.

The Care Home element of the proposal would be orientated to face onto Hazledene Road, and would benefit from a dedicated access, whilst the 4no dwellings would face eastwards, directly onto the residential access road. The Care Home would be constructed across three storeys, with a flat-roofed design, although it is noted that this roof design and the lower level of the building are such that it would not sit markedly higher than the ridge level of the neighbouring dwellings. Internally, the Care Home would include community facilities including residents' lounges, a library, cinema and gym, as well as nursing station and associated staff facilities.

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=OPP0HBBZKPJ00>.

The following documents have been submitted in support of the application –

- Tree Survey
- Landscape Plan
- Transport Statement
- Design Statement
- Supporting Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because:

- More than 5 representations have been received; and
- The local Craigiebuckler and Seafield Community Council has lodged an objection

CONSULTATIONS

Archaeology Service (Aberdeenshire Council) – Having reviewed the application, and taken into consideration the nature of the known archaeological sites within the wider landscape, **no comment** to make.

Developer Obligations Team – Necessary obligations are identified in relation to the Core Path Network (£18,079); Open Space (£8,894) and Healthcare (£49,746 to contribute towards a new health centre at Countesswells serving residents). Note that developments of this nature do not attract Education obligations, and that care homes are exempt from Affordable Housing obligations. Contributions towards community facilities will not be sought on the basis of the communal space provided on-site.

ACC - Environmental Health – No objection. Recommend the following measures:

1. That a scheme of Local Extract Ventilation is secured in order to ensure that any odour arising from cooking activities is subject to appropriate filtration, extraction and dispersal.
2. Recommend an advisory note recommending that hours of construction are restricted to 7am-7pm Mon-Fri and 8am-1pm Sat in order to avoid adverse impact on amenity.
3. Recommend an advisory note relating to measures to mitigate impact arising from dust during construction.

North East Scotland Biological Records Centre – No species of note highlighted by search.

Police Scotland – No objection. Note that the site is good from the perspective of crime prevention through design. Note that there is currently a very low level of crime in this area and conclude that Police Scotland has no concerns regarding the development from a policing perspective.

ACC - Roads Development Management Team – No objection provided the following matters are addressed:

1. The path running to the south of the Care Home is required to be 3m wide in order to correspond with the wider path network. This path must be a formal connection, surfaced appropriately, drained and lit. Further specification of this path can be secured and agreed prior to development through use of a condition.

2. A footpath within the site, providing a connection to the Care Home's main entrance from the newly constructed pedestrian footway on Hazledene Road, will be required. This can be secured by condition.
3. It is noted that adequate visibility has been demonstrated at the site access junction. It is recommended that a planning condition be used to ensure that visibility is maintained.
4. Parking provision is considered to be acceptable.
5. Swept-path analysis has been undertaken, demonstrating that the development can be adequately accessed by service vehicles. A slight over-run is identified, however this is considered to be permissible in this instance.

Scottish Water – No response.

ACC - Waste Strategy Team – No objection. Note that no garden waste will be provided for the Care Home as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor. Further detailed specification for bin storage areas will be required in order to ensure that provision is sufficient for the proposed development, but this can be secured prior to development commencing through use a planning condition.

ACC Flooding and Coastal Protection Team – Note submission of a Drainage Impact Assessment and express general satisfaction with its content. Further confirmation of how any cut-off land drains are to be dealt with was sought, and a further statement has been provided by the applicants, confirming that any land drainage encountered during excavations will be dealt with by diverting drains around excavations and directing flow to its outlet. Any groundwater spring that is discovered and cannot be controlled by existing land drains shall be captured and piped to the most appropriate watercourse.

Craigiebuckler and Seafeld Community Council – Object to the application on the following grounds:

- The high water table and site drainage conditions are such that the site is not suited to residential development.
- Highlights that recent development has coincided with a dramatic reduction in the volume of flowing water in the burn feeding into Walker Dam, with corresponding silting up of ponds. It is contended that excavations to form the proposed care home will result in further silting of the Walker Dam.
- Highlights disproportionately large size of the care home, relative to the housing planned on adjacent land, and potentially overbearing presence.
- Notes potential adverse visual impact from properties on Monymusk Terrace.
- The Walker Dam is listed by Aberdeen City Council, as a local nature conservation site, noted for its charming mixture of landscaped areas and semi-natural habitats. The main feature is the large pond with a small burn and areas of wetland.
- Note concern that SEPA are not referenced in the supporting documents, given the importance of appropriate management of groundwater.
- Express concern that the northern SuDS pond is in poor condition and is not fit for its intended purpose as a flood prevention measure.
- The proposed care home will be visible from Hazlehead Park and will not blend in with the surrounding landscape.
- Concern expressed that works to form the access for the care home would damage the root systems of the mature beech trees along the Hazledene Road frontage.
- Parking provision will be woefully inadequate for such a large establishment.
- Concern that visitors and employees will have to park their vehicles in the nearby streets of Hazlewood, Burnieboozle , Craigiebuckler, Woodburn and Hazledene.

- Noise and disruption associated with construction traffic will cause disturbance and, given the nature of the use, this is likely to continue once the home is operational.
- Note no reference in the submissions to developer contributions towards increasing the capacity of the surrounding road network – note existing problems at Queens Road/Springfield Road junction
- Notes that traffic onto Queen's Road is required to turn left and then double-back at the roundabout., adding to the traffic congestion at Hazlehead roundabout.
- The local medical practice is at capacity, and the proposed care home would exacerbate that situation.

REPRESENTATIONS

A total of 14 representations have been received in relation to this application. These raise the following matters:

- Original Planning Permission in Principle (PPiP) plans included only minor access to Hazledene Road;
- No explanation for earlier decision to allow 50 homes accessed from hazledene Road, nor justification for this additional access;
- Location of site access is not safe (on a bend);
- Parking is insufficient for staff and residents and will result in overspill onto surrounding streets;
- Care Home is of excessive height;
- Visual impact when seen from Hazlehead Park, detracting from parkland character;
- Design of Care Home is not compatible and consistent with its surroundings;
- No indication of lifts or rooftop plant on drawings;
- Hazledene Road not suitable for increased traffic;
- Additional traffic would increase burden at the Hazlehead Roundabout;
- Verge at Hazeledene Road is understood to be ACC owned. If approved, Dandara should be obliged to pay a settlement for wayleave over a community asset;
- Overdevelopment;
- Noise – From ambulances, staff & visitors;
- Flooding and drainage problems – highlights problems with drainage across wider site;
- Does not comply with SPP para 271, which states support for development which 'provide safe and convenient opportunities for walking and cycling, both for active travel and recreation';
- Queries compliance with original development framework/masterplan given the degree of change from the approved scheme;
- Inadequate refuse provision;
- Queries inaccuracies on form;
- Accusation of greed in proposing both housing and care home together;
- Speculates about future proposals to connect through the site to new roundabout on Countesswells Road;
- Traffic Impact Assessment should be undertaken;
- Public open space is to be provided – queries who is responsible for maintaining open space and landscaping throughout the site;
- Fencing layout should be provided to ensure appropriate separations;
- Construction could result in silt polluting the burn, which flows into Walker Dam;
- Queries lack of SEPA involvement;
- Hazledene Road too narrow for emergency vehicles if cars are parked on it;
- Queries sewer capacity to accommodate development;
- Queries who will maintain the private section of Hazledene Road;

- Inconsistencies and inaccuracies in supporting statements are highlighted;
- Light pollution;
- Route to public transport on Craigiebuckler Avenue is muddy, loose surfaced and unlit – not suitable for residents/visitors to access bus facilities. No provision is made to upgrade this route. If accessing via hazledene Road, there is no footpath between the football pitch and junction with Craigiebuckler Avenue (wasn't this required as part of 130994? – may need to secure in connection with this consent also)
- Site should remain as part of the green belt;
- Conflict with Urban Green Space guidelines;
- States that this area is or was a conservation area;
- Loss of privacy to dwellings on Monymusk Terrace;

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

SPP sets out national planning policies for consideration in the assessment of development proposals. SPP highlights that the planning system should *'take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources'*.

Creating Places

Creating Places is the Scottish Government's policy statement on architecture and place.

Designing Streets

Designing Streets is the Scottish Government's policy and technical guidance on street design.

Aberdeen Local Development Plan (2017)

- LR1 Land Release Policy
- LR2 Delivery of Mixed Use Communities
- D1 Quality Placemaking by Design
- D2 Landscape
- I1 Infrastructure Delivery and Planning Obligations
- T2 Managing the Transport Impact of Development
- T3 Sustainable and Active Travel
- H1 Residential Areas
- H3 Density
- H4 Housing Mix
- NE1 Green Space Network
- NE5 Trees and Woodlands
- NE6 Flooding, Drainage and Water Quality
- NE8 Natural Heritage

- NE9 Access and Informal Recreation
- R6 Waste Management Requirements for New Development
- R7 Low and Zero Carbon Buildings and Water Efficiency

Supplementary Guidance and Technical Advice Notes

Transport and Accessibility
 Planning Obligations
 Trees and Woodland
 Flooding and Drainage
 Resources for New Development

Other Material Considerations

Aberdeen City and Shire Strategic Development Plan (2014)

EVALUATION

Principle of Development

The principle of development on the Hazledene site has been established through its identification as an opportunity site in earlier iterations of the Aberdeen Local Development Plan, its residential zoning in the current Development Plan, and the granting of both Planning Permission in Principle (PPiP) and associated approvals in relation to matters specified in conditions (AMSC). On that basis, the proposal is consistent with the release of land for development through a plan-led process and is in line with the provisions of policies LR1 (Land Release Policy) and LR2 (Delivery of Mixed Use Communities).

This assessment will focus on the introduction of an alternative use and assess the implications of that in terms of both the relationship between the Care Home and neighbouring uses and the extent to which this introduction of the Care Home would affect the deliverability of the full residential allocation, along with any other material planning considerations identified.

Zoning and introduction of Care Home use

The Hazledene site is zoned for residential purposes, with policy H1 of the LDP applicable. This zoning, along with the earlier approvals of both PPiP and AMSC, sets the context for consideration of the current proposal. Within such residential areas, the ALDP states that residential development will be acceptable in principle, provided *(i) it does not constitute over development; (ii) it does not have an unacceptable impact on the character and amenity of the surrounding area; (iii) it does not result in the loss of valuable and valued areas of open space, as defined in the Open Space Audit 2010; and (iv) it complies with Supplementary Guidance.*

Proposals for non-residential use will be refused unless either: **(i) they are considered complementary to residential use;** or **(ii) it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.**

Whilst it is acknowledged that the Care Home would be a commercial enterprise with attendant staff and servicing requirements, its principal function is as a place of residence for persons in need of personal care or support. Such uses fall within Class 8 (Residential Institutions) of the Town and Country Planning (Use Classes) (Scotland) Order (as amended). Scottish Government Circular 1/1998 notes that concerns are commonly expressed regarding the additional demands that may be placed upon essential services by such uses, however states that planning authorities must concentrate on land-use planning considerations when considering such applications, with a

focus on any impacts on amenity and the environment, rather than the services or facilities within Care Homes, which are separately regulated.

In general terms, therefore, the residential nature of the proposed use is similar to the residential use associated with flats and dwellings, but with the addition of a staff component which results in movements to and from the site as a place of employment. General hours of activity would not be vastly dissimilar from ordinary residential use, and the dedicated access from Hazledene Road is such that any disturbance arising from staff arrivals and departures would be negligible, and generally comparable with domestic uses in a predominantly residential area. Visitor access to the Care Home would be managed by on-site staff, and it is not envisaged that visits would take place at unsociable hours. In conclusion the proposed Care Home use is largely comparable to a mainstream flatted block in terms of its likely impacts. The provision of a dedicated access off Hazledene Road minimises the scope for disturbance from staff or visitor movements, and it is therefore considered that the use is acceptable in principle within a residential area.

The building is orientated to face Hazledene Road, but is set back from the road frontage, with car parking, landscaping and the northern SUDS basin within the intervening space. It is noted also that the building would sit within a hollow so as to better relate to the height of the adjacent dwellings. These factors are such that the wider visual impact of the Care Home element of the proposal would not be significant, and would not serve to detract from the character or amenity of this area.

It is noted that the earlier grants of planning permission at Hazledene did not include any Care Home, however there is nothing in those earlier permissions, nor the allocation and subsequent residential zoning of the site, that would preclude such a use in principle. Policy LR1 states a presumption against any development which would prejudice the full delivery of a residential development allocation. Whilst the proposed Care Home has resulted in the removal of 6no dwellings from the earlier approved layout, it is notable that Zone A is the lowest-density part of the Pinewood/Hazledene development, and also that the allocation of the Pinewood and Hazledene sites was made prior to the introduction of minimum density requirements, which form part of the current ALDP. As a result, the number of units allocated on these sites is actually lower than might be expected had it been first allocated under the current ALDP. As a result, it is considered that there is adequate capacity for any units removed through incorporation of the Care Home to be recouped through an increase in density on some other part of the wider development site, subject to a separate grant of planning permission. Furthermore, it is recognised that Care Home type uses provide another form of residential use, and contribute to meeting the City's full range of housing needs.

On this basis, it is concluded that the proposal demonstrates accordance with policy H1 (Residential Areas), and would be compatible with the neighbouring residential uses. The proposed development does not represent an over-development of the site, as sufficient provision has been made for landscaping, car parking and drainage facilities. The scale of the development, at three storeys, is greater than that of the neighbouring dwellings, but not incongruously so, and the greater height of the care home is mitigated by the site levels, existing tree cover and proposed additional landscaping. The proposal is therefore considered to represent development of an appropriate density, consistent with policy D3 (Density) of the ALDP. The introduction of an alternative form of residential use is considered to be of benefit in providing a greater mix of housing types, consistent with policy H4 (Housing Mix).

Access, Roads and Transportation matters

The proposed Care Home would be served by a single dedicated vehicular access, directly onto Hazledene Road. The 4no dwellings that also form part of this application would be orientated to the west, fronting directly onto the residential access road serving the circa 50 homes previously

approved within Zone A. there remains no vehicular through access from Hazledene Road to the other development zones within Pinewood and Hazledene. The access serving the Care Home provides acceptable visibility to allow safe access, as demonstrated in drawings provided in support of the application. ACC's Roads Development Management Team recommends that a planning condition be used to ensure that the necessary visibility splays are kept free of any obstructions that would interfere with lines of sight.

The previous MSC approval, relating to Hazledene Zone A, included requirements for the upgrading of Hazledene Road between Queen's Road and the development frontage, including resurfacing, upgrading of existing off-street footpaths and provision of a pedestrian footway. These works have been subject to an approved Roads Construction Consent (RCC) and have progressed as can be seen in the images contained within the supporting Transport Assessment, allowing for pedestrian travel eastwards from the site access to connect with the wider network of pedestrian routes. These upgrades have already been adequately secured and need not be re-stated in any new grant of planning permission, however it will be necessary to utilise a condition to ensure that provision is made for a footpath within the development site, connecting the main entrance to the Care Home with the footway along the development frontage to Hazledene Road.

Following submission of a Transport Statement, the Council's Roads Development Management team is satisfied that the additional impact on the surrounding road network is minimal and will be acceptable. A total of 28 car parking spaces are to be provided to serve the Care Home element of the proposal, of which two would be accessible spaces and a further two would be for doctor's/limousine parking respectively. This provision is below the maximum level set by the Council's Transport and Accessibility SG, but is considered to be acceptable to meet the needs of the development in this instance.

It is noted that a Core Path follows the eastern edge of the development and provides a linkages to Countesswells Avenue and Craigiebuckler Avenue. The pedestrian infrastructure within the site would also connect with the network of paths in the wider Pinewood and Hazledene development, with a footpath skirting around the south of the Care Home to provide connection the new residential streets to the south and west, whilst also linking to the path around the northern SUDS basin and the adjacent Core Path. Bus services are available on Craigiebuckler Avenue and Pinewood Avenue, and it is notable also that the wider Pinewood/Hazledene development was designed with a central spine road, located just south of the Care Home, that is intended to accommodate bus services serving the new development. Taking these matters into account, it is considered that the site is adequately accessible to both vehicles and pedestrians, makes acceptable provision for on-site car parking, and can accommodate refuse as servicing vehicles to support the proposed use. On that basis, it is concluded that the proposal would accord with the requirements of policies T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) along with the associated Transport and Accessibility SG.

Design

The Care Home presents a frontage to the development, facing onto Hazledene Road. This is welcomed as a positive relationship. Whilst concerns have been expressed in representations about the visual impact of the building when viewed from within the recreational parkland setting at Hazlehead, it is considered that the low-profile roof style, when combined with existing tree cover and additional new planting, are of benefit in mitigating any visual impact. It is noted also that the site levels would be such that the Care Home's overall height would be comparable to the ridge height of the neighbouring 2-storey dwellings within the site. The building is sufficiently set back from the Hazledene Road frontage that it would not be unduly prominent, with existing trees and new planting serving to soften views across the hardstanding formed to accommodate car parking. Visually, the front elevation of the building is broken up through the use of different materials, with

an overall impression of light and airy internal spaces. Colours and materials are of a similar palette to those of the new-build housing within the Pinewood and Hazledene development, which assists in providing a consistent theme between buildings that are otherwise of differing roof styles, uses and footprint. The consistent use of grey zinc-style roofs, light/white renders and areas of timber cladding will ensure that there is a clear relationship between these two components of the development, however it is noted that they will be orientated away from one another and will benefit from separate vehicular access points.

The specific needs of residents are key to the design of the spaces around the Care Home. Passive surveillance of the grounds is provided by the apartments overlooking key spaces, and a sense of security and enclosure is essential. The change in levels to the Care Home is of benefit in providing a sense of enclosure to the secure gardens to the south of the building, which will be laid out as formal gardens incorporating planted borders and a gentle slope up to the rear, behind the retaining wall. All pedestrian links would be overlooked, and connections to wider networks of footpaths are provided. It is considered that this represents a well-considered response to the site's context, the surrounding uses and built form, and the needs of the residents. The Care Home would sit well alongside the previously approved housing, utilising similar colours and materials, and making use of site levels to absorb the additional height of the building into the landscape so as to better integrate with its surroundings. It is therefore considered that the proposal demonstrates due consideration for its context and makes a positive contribution to its setting, as required by policy D1 (Quality Placemaking by Design). The proposal would not result in any adverse impact on the existing landscape setting, and makes use of existing landscape features, new earthworks and new landscape planting to better integrate development with the local landscape character, consistent with policy D2 (Landscape) of the ALDP.

Amenity

The principle of the Care Home use has been previously addressed in this report. In terms of specific amenity impacts, it is noted that the use would involve the preparation of food for residents. There is insufficient detail to establish precisely what the associated impacts may be, however comments from the Council's Environmental Health Officers have set out the requirements should specified cooking operations be undertaken, and these can form the basis of conditions requiring submission and agreement of further information, including details of any necessary mitigation measures, prior to the use being commenced. This will ensure that any odours are adequately treated and dispersed, and existing residential amenity is protected. Concerns are expressed in representations about the potential for light pollution, however any lighting will be of a type consistent with the residential nature of the building, and it is recognised that there are separate powers that exist under Environmental Health legislation should there be any nuisance arising from light pollution.

Trees, landscaping and natural heritage

The proposal would not result in any adverse impact on existing trees. The submitted tree survey identifies a total of 18 trees within the site and its immediate surrounds, of which 14 are mature beech, likely to be in excess of 100 years old. The remaining specimens include mature sycamore and willow. Recommendations are made for the removal of large overhanging stems to multistemmed Willow trees that are in poor condition and the removal of a single Beech which is subject to severe decay, however there are no removals required directly to facilitate the proposed development. Additional planting is proposed via a landscaping scheme, and appropriate conditions can regulate the implementation and specification of that landscaping. In this regard, the proposal is considered to accord with the provisions of policy NE5 (Trees and Woodlands) of the ALDP. There would be no adverse impact on the Green Space Network, with existing trees along the development frontage being retained where their condition allows. The provision of new planting along this development frontage will serve to enhance the network in this location,

consistent with policy NE1 (Green Space Network). The North East Scotland Biological Records Centre highlights no species of note that would be impacted by the development, ensuring compliance with policy NE8 (Natural Heritage).

Flooding, drainage and water quality

A Drainage Impact Assessment (DIA) has been submitted in support of the proposal. This demonstrates appropriate means of drainage for the site, and has been accepted by the Council's Flooding and Coastal Protection Team, though it is considered necessary to use a planning condition to address concerns relating to the manner in which any land drainage discovered during construction will be dealt with. A supplementary statement to the DIA was provided, and the condition will require compliance with a fully detailed statement which expands on this. The siting of the development relative to the already constructed SuDS pond is such that it is used as a landscape feature as well as a functional piece of drainage infrastructure. The agreed Drainage Impact Assessment and supplementary statement relating to the treatment of any severed land drainage is sufficient to demonstrate accordance with policy NE6 (Flooding, Drainage and Water Quality) of the ALDP. Measures to prevent pollution of the water environment during construction should also be detailed in a Construction Environment Management Plan, to be submitted to the planning authority and agreed in consultation with SEPA prior to commencement of works.

Low and Zero Carbon (LZC) Buildings

No details of the manner in which the proposed new buildings would demonstrate accordance with the Council's policy and guidance on reducing carbon emissions have been provided, however such submissions can be secured via an appropriately worded condition should members resolve to grant planning permission. This approach can ensure compliance with policy R7 (Low and Zero Carbon Buildings) and the associated supplementary guidance.

Water Efficiency

Making efficient use of water is important for reasons of sustainability, climate change adaptation, and in protecting wildlife and natural resources. The Aberdeen City and Shire Strategic Development Plan 2014 encourages all new developments to use water-saving technology in order to avoid increasing the level of extraction from the River Dee. This requirement is incorporated into the Local Development Plan via policy R7 (Low and Zero Carbon Buildings and Water Efficiency) and the associated 'Resources for New Development) Supplementary Guidance.

Refuse and Recycling

Swept-path analysis has been provided to demonstrate that refuse vehicles can access the site satisfactorily. The bin store serving the Care Home is close to the site access, allowing for easy collection.

Matters raised in representations & community council response

In responding to the matters raised in representations, it is important to note that this assessment concerns the application currently presented. Earlier decisions relating to the initial allocation of the Pinewood and Hazledene sites for development; the use of Hazledene Road as the access for 50 dwellings within Zone A and others have been established by earlier decisions taken on the merits of those cases at the time. That a development is consented in one form does not preclude alternative proposals coming forward, and it is the planning authority's role to assess any such alternatives on their merits, with due regard for the provisions of the Development Plan and any other identified material considerations. The site has been allocated for development through a Local Development Plan, and therefore is no longer zoned as Green Belt, nor Urban Green Space. A Transport Statement was provided in support of the application, and it is noted also that

the previous grant of planning permission has established that the local road network was capable of supporting access to 50 homes along Hazledene Road, subject to upgrading works conditioned as part of that approval (ref. 130994). The Council's Roads Development Management Team have assessed the submitted Transport Statement, and note that acceptable vehicular visibility has been demonstrated from the proposed access, recommending that a condition is used to ensure that the relevant visibility splays are maintained. It is recognised that Hazledene Road in its original form would not have been suitable to access the site without improvement, however this was secured via a condition attached to the earlier grant of permission for residential development at Zone A. A similar condition may be utilised to preclude occupation of any buildings unless works for the improvement have been completed. The maintenance of adopted roads, including sections upgraded to adoptable standard to support development and subsequently adopted by Aberdeen City Council in its role as Roads Authority, is the responsibility of the local Roads Authority. Any remaining private sections of this road would be the responsibility of the respective owners, however for the absence of doubt Hazledene Road is to be brought up to adoptable standard from its frontage eastwards. Concerns regarding the level of parking provision are noted, and are addressed earlier in this report. As parking provision is considered to be sufficient to meet the needs of the proposed development, there is no expectation of significant overspill parking onto surrounding streets. Matters of scale, design, density and visual impact are also considered in the 'Design' and 'Amenity' sections of this report. It is understood that the road verge referred to forms part of the adopted road, and therefore works for access or improvement to the road would be subject to Roads Construction Consent processes.

Provision for refuse storage and collection is made within the site, and is considered to be satisfactory in principle. There is adequate space within the site for refuse vehicles to manoeuvre, and the detailed specifications of refuse stores can be secured by condition, for further agreement in consultation with the Council's Waste Strategy team. Consultation with the Council's Environmental Health team has raised no concerns regarding noise nuisance, beyond a recommendation that a noise assessment is undertaken in relation to any Local Extract Ventilation (LEV) system for agreement prior to installation. The levels of noise associated with a use of this type are not anticipated to represent any threat to residential amenity in the surrounding area, with staff and visitor movements likely to occur during times consistent with a predominantly residential area. Light pollution has not been highlighted as a concern in consultation with Environmental Health. Generally, the proposals involve lighting appropriate to a residential area, and it is not considered that there is any apparent threat to amenity.

Comments relating to the applicants' motives and speculative concerns expressed in relation to future vehicular connections through the site from Hazledene Road to the new roundabout on Countesswells Road are not material to consideration of this application, as they do not form part of the proposal before the planning authority.

The detail of boundary enclosures to the site can be secured for further agreement through use of a planning condition. Similarly, maintenance of landscaped areas throughout the site would be the responsibility of the landowner. The previous residential developments across Pinewood and Hazledene were approved subject to conditions requiring details of any arrangements for the management and maintenance of trees and landscaped areas, so it is appropriate to use such a condition to require submission of a revised scheme demonstrating detailed proposals.

The site does not lie within any designated Conservation Area. Subject to the necessary upgrading works to Hazledene Road, and the provision of the identified pedestrian links within the site to the wider pedestrian infrastructure, it is considered that the site presents opportunities for active travel and recreation, consistent with SPP. Comments received in relation to inaccuracies in the supporting statement with respect to bus services in the area appear to be based on a misunderstanding of the content – this presents a comparison between a policy position and the reality of existing services. The existing path leading through trees to bus services on

Craigiebuckler Avenue is designated as a Core Path, and the contributions secured via developer obligations could be utilised for upgrading of that route in a manner sensitive to the surrounding trees and associated root protection areas.

In terms of the application form submitted, it is considered that no change of use is proposed as the proposal involves the construction of buildings for a specific purpose, within a specified use class, rather than representing a 'change of use' of land or buildings. The applicants' Planning Manager has signed the submitted form, and it is considered that this has clearly been done on behalf of the company.

Scottish Water have been consulted, but have not responded in relation to sewer capacity. Nevertheless, confirmation of existing capacity at the planning stage does not reserve that capacity for a particular development proposal, and there is a separate application process to be gone through with Scottish Water to secure connections. The current application does not require consultation with SEPA, and in such cases planning authorities are generally referred to SEPA's standing advice to planning authorities for smaller-scale proposals. The potential for pollution of local watercourses via discharge of silt during construction is noted, and it is therefore recommended that a Construction Environment Management Plan is prepared for agreement with the planning authority, in consultation with SEPA, prior to commencement of works. Historic and ongoing drainage concerns in relation to this site are noted, however the planning authority is obliged to consider the proposal before it. In this instance, the Council's Flooding and Coastal Protection Team have commented on the submitted Drainage Impact Assessment and have sought further confirmation in relation to the means of dealing with any land drainage discovered during excavations. A statement from Dandara in relation to this has been approved, and will form the basis of a condition attached to any consent granted. Subject to these controls, it is considered that the proposal demonstrates its compliance with policy NE6 (Flooding and Drainage).

Financial contributions towards healthcare provision, based on the impact of the development and proportionate to its scale, are noted in the summary of the Developer Obligations team's report. It is noted that the proposed elevations do not indicate any rooftop plant associated with the inclusion of a lift within the building. It will therefore be necessary for full details of any rooftop plant associated with the development to be submitted to and agreed in writing by the planning authority prior to commencement of any works.

Heads of Terms of any Legal Agreement

A legal agreement will be required to secure the financial contributions identified above, totalling £76,719.

Time Limit Direction

The standard time period of 3 years for implementation of consent is considered appropriate, therefore no time limit direction is warranted.

RECOMMENDATION

Willingness to approve with conditions, subject to conclusion of a legal agreement securing the following developer obligations:

- **Core Path Network (£18,079);**
- **Open Space (£8,894); and**
- **Healthcare (£49,746 to contribute towards a new health centre at Countesswells).**
- **Total £76,719**

REASON FOR RECOMMENDATION

The principle of development on this site is established through its allocation via the Local Development Plan and the earlier granting of planning permission. The introduction of a Care Home, which shares many characteristics of mainstream residential development, is considered to be complementary to residential use, and would not give rise to any significant conflict with, or nuisance to, the enjoyment of existing residential amenity, consistent with the provisions of policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP). Subject to the necessary upgrading of Hazledene Road, which is already underway in connection with the earlier residential consent, and connections to the wider path network in the area around the site, the development will be appropriately accessible via both motorised and sustainable means, consistent with policies T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation).

The design and scale of the buildings has been carefully considered to demonstrate compatibility with their surroundings. In particular, the Care Home takes advantage of changes in levels to minimise any obvious difference in scale relative to the surrounding housing. The siting of the buildings allows for the landscaped frontage of the site to largely remain, with proposals for landscaping around the building to enhance its setting, consistent with policies D1 (Quality Placemaking by Design) and D2 (Landscape) of the ALDP. Impacts on existing trees are limited, with no removals required directly to facilitate the development. Additional planting is also proposed, and it is considered that the scheme demonstrates compliance with policy NE5 (Trees and Woodlands).

A detailed Drainage Impact Assessment (DIA) has been provided in support of the proposal, however a further conditions is considered necessary to manage the approach to dealing with any land drainage discovered in the course of development. Subject to these controls, and the further submission of a Construction Environment Management Plan to address the potential for pollution and identify necessary mitigation and control measures, the proposal is considered to be consistent with policy NE6 (Flooding, Drainage and Water Quality).

Potential nuisance from cooking and associated extraction can be addressed through conditions, requiring implementation of an appropriate scheme of filtration and extraction, including consideration of noise arising from any such system prior to its implementation. Matters raised by the local Community Council and in representations from members of the public are addressed in the body of this report, but are not considered to warrant refusal of the application.

CONDITIONS

1. Finishes/Materials

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 - in the interests of visual amenity.

2. Boundary Enclosures

that no development shall take place unless a scheme detailing the proposed site and plot boundary enclosures for the development site, including extensive reuse of granite doughtings in boundary walls and appropriate proposals for the gating of paths to the rear of terraced properties, has been submitted to the planning authority and subsequently approved in writing. Thereafter no unit within a phase shall be occupied unless the boundaries for that phase have been provided in accordance with the agreed scheme, or such other drawings as may subsequently be submitted and approved in writing by the planning authority - in order to ensure that boundary enclosures utilise doughted granite and are appropriate to the character of this site and the wider conservation area.

3. Refuse Scheme

that no development shall take place unless a further detailed scheme of refuse and recycling storage has been submitted to and approved in writing by the planning authority. Thereafter no unit within a given phase shall be occupied unless the refuse and recycling storage for that phase has been provided in accordance with the said scheme – in order to preserve the amenity of the neighbourhood and in the interests of public health.

4. Footpath links

That the residential care home hereby approved shall not be brought into use unless the following pedestrian routes have been laid out in full and made available for use:

- (a) A footpath within the site, providing a connection to the Care Home's main entrance from the newly constructed pedestrian footway on Hazledene Road. The details of this route must be submitted to and agreed in writing by the planning authority prior to works commencing; and
- (b) The path to the south of the care home, shown on drawing *A_APL_112-Rev L*, which shall be constructed to 3m width, surfaced and lit.

Reason: To ensure that adequate provision is made for safe pedestrian routes, and to promote sustainable travel, as required by policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

5. Visibility Splay

That the residential care home hereby approved shall not be brought into use unless the visibility splay demonstrated on drawing *ABR_HAZ_001-Rev A* has been provided. Thereafter, the land falling within that visibility splay shall be kept clear of any obstacles (including buildings, structures, trees or shrubs) exceeding 1m in height – in the interests of ensuring appropriate visibility for vehicles at the site access.

6. Parking provision

That the residential care home hereby approved shall not be brought into use unless the car, motorcycle (including a secure fixed point) and bicycle parking areas serving the building have been constructed, drained, laid-out and demarcated in accordance with drawing *A_APL_112-Rev L* of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development hereby granted approval - in the interests of public safety and the free flow of traffic.

7. Local Extract Ventilation (LEV) system

That no development pursuant to this grant of planning permission shall be undertaken unless (i) full details of proposed cooking activities; (ii) an assessment of the requirements for extract ventilation in accordance with relevant guidance (for example: DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and associated references); (iii) proposals for an appropriate system of Local Extract

Ventilation (LEV) system; and (iv) a noise assessment by a suitably qualified noise consultant have been submitted to and agreed in writing by the planning authority. Thereafter the buildings hereby approved shall not be occupied unless any LEV scheme and noise mitigation measures so agreed have been installed and are fully operational – in order to ensure that cooking fumes are adequately filtered and dispersed and that residential amenity is protected.

8. Restriction to Care Home use

Notwithstanding the terms of use class 11 (Assembly and Leisure), the Care Home building hereby approved shall be used only for this specified purpose and no other purpose within Class 10 (non-residential institutions) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 without a further grant of planning permission – on the basis that the proposal has been assessed on this specific basis, with developer obligations established on the basis of the age demographic associated with such premises.

9. Deliveries and Servicing

That service deliveries and collections to the premises and the disposal of refuse to receptacles outwith the fabric of the building shall not take place outwith the hours of 0700 to 1900 Monday to Saturday and 1000 to 1900 on Sundays - in order to protect surrounding residents from noise disturbance at unreasonable hours.

10. Upgrading of Hazledene Road to adoptable standard

That no development shall be undertaken unless a finalised scheme of works necessary to bring Hazledene Road up to adoptable standard has been submitted to, and approved in writing by, the planning authority. Thereafter, no building within the site shall be occupied until works for the upgrading of Hazledene Road have been implemented in full, in accordance with the scheme so agreed - in order that the road improvement works necessary to provide appropriate access to the site have been carried out in advance of occupation.

11. Landscaping – Management and Maintenance of Trees/Landscaped areas

that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

12. Scheme of Tree Protection

That no development shall take place unless a plan showing a scheme for the protection of all trees to be retained on the site during construction works has been submitted to and approved in writing by the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

13. Detailed Scheme of Landscaping

That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities,

locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

14. Drainage

That in the event that any land drainage is encountered during excavations these drains will be diverted round any excavations that block their original line and redirected to their original outlet. Any groundwater spring which becomes evident during construction which cannot be controlled by existing land drains shall be captured and piped to the most appropriate watercourse. – in the interests of ensuring adequate drainage for the site.

15. Low and Zero Carbon Policy Compliance

that none of the buildings hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' policy, as contained in the 'Resources for New Development' supplementary guidance has been submitted to and approved in writing by the planning authority for that building, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance.

16. Construction Environment Management Plan

No development shall be undertaken until such time as a site specific environmental management plan (EMP), incorporating detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter all work shall be carried out in accordance with the approved plan - in order to control pollution of air, land and water.

Note: full details of matters to be included in the EMP can be found on SEPA's website.

Advisory Notes

1. Recommend that hours of construction are restricted to 7am-7pm Mon-Fri and 8am-1pm Sat in order to avoid adverse impact on amenity.
2. Recommend that measures to mitigate impact arising from dust during construction are considered prior to commencement of works.

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