

# Public Document Pack



To: Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, Avril MacKenzie and Malik.

Town House,  
ABERDEEN 15 May 2018

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 24 MAY 2018 at 10.00 am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **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.**

#### **MOTION AGAINST OFFICER RECOMMENDATION**

- 1.1 Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

#### **DETERMINATION OF URGENT BUSINESS**

- 2.1 Determination of Urgent Business

#### **DECLARATION OF INTERESTS**

- 3.1 Members are requested to intimate any declarations of interest (Pages 7 - 8)

## **MINUTES OF PREVIOUS MEETINGS**

- 4.1 Minute of Meeting of the Planning Development Management Committee of 26 April 2018 - for approval (Pages 9 - 26)

## **COMMITTEE PLANNER**

- 5.1 Committee Planner (Pages 27 - 30)

## **GENERAL BUSINESS**

### **WHERE THE RECOMMENDATION IS ONE OF APPROVAL**

- 6.1 76 Morningside Avenue - Erection of 1.5 Storey Extension to Rear (Pages 31 - 36)

Planning Reference – 180409

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P5UKLNBZJYF00>

Planning Officer: Sheila Robertson

- 6.2 Land at Dubford, Bridge of Don - Modification of Planning Obligation associated with 141506 to Amend Clause 4.2 to Remove the Requirement to Provide 2 Affordable Housing Units (Pages 37 - 42)

Planning Reference – 180415

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P5W25WBZ02E00>

Planning Officer: Robert Forbes

- 6.3 26 Craigmarronn Gardens - Change of Use from Public Amenity Space to Garden Ground and Erection of Boundary Wall (Pages 43 - 48)

Planning Reference – 180482

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P6AGSQBZK7E00>

Planning Officer: Roy Brown

- 6.4 Saltoun Arms, 69 Frederick Street - Change of Use of Garden Ground Area to Outdoor Bar Seating Area to Rear (retrospective) (Pages 49 - 54)

Planning Reference – 180518

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P6KFFJBZ01U00>

Planning Officer: Robert Forbes

- 6.5 Aberdeen Exhibition and Conference Centre, Exhibition Avenue, Bridge of Don - Proposed Demolition of Existing Buildings and Erection of a Mixed Use Development to include (approximately 498) Residential Units, Commercial and Business use, Recycling Centre and Park and Ride Facility (Pages 55 - 96)

Planning Reference – 150824

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150824>

Planning Officer: Lucy Greene

## **DATE OF NEXT MEETING**

- 7.1 Date of Next Meeting - 21 June 2018

Members are asked to note the date of the next meeting is scheduled for 21 June 2018.

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>

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Please note that Daniel Lewis will be in Committee Room 2 from 9.30am for Members to view plans and ask any questions.

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

## MOTIONS AGAINST RECOMMENDATION

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis.

It is important that the reasons for approval or refusal of all applications are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 28.10 the Convener can determine whether a motion or amendment is competent, and may seek advice from officers in this regard.

With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. Officers will be given the opportunity to address the Committee on the competency of the motion. The Convener has the option to call a short recess for discussion between officers and Members putting forward a motion if deemed necessary.

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# Agenda Item 3.1

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons .....

*For example, I know the applicant / I am a member of the Board of X / I am employed by...*  
and I will therefore withdraw from the meeting room during any discussion and voting on that item.

**OR**

I have considered whether I require to declare an interest in item (x) for the following reasons ..... however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

**OR**

I declare an interest in item (x) for the following reasons ..... however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
  - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
  - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

**OR**

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 26 April 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; ; and Councillors Allan, Cooke, Copland, Cormie, Greig, Avril MacKenzie and Malik.

Also present as local member for item 7 Councillor McLellan.

The agenda and reports associated with this minute can be found at:-  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=6263&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.

### DETERMINATION OF EXEMPT BUSINESS

1. The Committee agreed to that item 8.1 on the agenda, Triple Kirks, would be held in private with the press and public excluded.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 22 MARCH 2018 - FOR APPROVAL

2. The Committee had before it the minute of the previous meeting of 22 March 2018, for approval.

#### The Committee resolved:-

to approve the minute as a correct record, with the amendment of Highlander to Highlanders in regards to Councillor Cooke's declaration of interest at item 5.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 28 MARCH 2018 - FOR APPROVAL

3. The Committee had before it the minute of the Planning Development Management Committee site visit of 28 March 2018, for approval.

#### The Committee resolved:-

to approve the minute as a correct record.

### COMMITTEE PLANNER

4. The Committee had before it a planner of future Committee business.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

**The Committee resolved:-**

- (i) to note that a combined report on TPO 248 and 249 would be added to the planner for reporting back to committee in due course; and
- (ii) to otherwise note the information contained in the Committee report planner.

**91 HIGH STREET, OLD ABERDEEN - 171445**

**5.** The Committee had before it a report by the Interim Chief Officer, Strategic Place Planning, **which recommended:-**

That the application for the change of use from class 2 (financial, professional and other services) to student accommodation including formation of new window and rooflights, replacement of existing windows and door and removal of vents and installation of covered bike store, at 91 High Street Aberdeen, be approved subject to the following conditions.

- 1) No development shall occur until full details of: the cill and lintols pertaining to the windows within the converted outbuilding; and, rooflights, have been submitted to the Planning Authority and agreed in writing. Thereafter, the proposed development shall be carried out in complete accordance with such approved details.

Reason: In the interest of the character and appearance of the category B-listed building.

- 2) For the avoidance of doubt, all: frames associated to replacement and new windows within the building; and the 'timber linings' used to partially block-up the existing doorway fronting onto Blackburn Place, shall be constructed from wood.

Reason: To ensure the changes are sympathetic to the special architectural interest of the listed building.

**INFORMATIVE FOR APPLICANT**

- A) The applicant will need to obtain an HMO (House in Multiple Occupation) license from the Council in order to legally operate the development.

The Committee heard from Jamie Leadbeater, Planner, who spoke in furtherance of the application and answered various questions from members.

The Convener, seconded by the Vice Convener, moved:-

that the application be refused due to concerns in regards to the change of use and the impact of the proposed development on the residential amenity of the area by virtue of noise and disturbance. It was also felt that it would have a detrimental impact on the character of the Conservation area and did not comply

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

with Policies, CF1 – Existing Community Sites and Facilities, D1 – Quality Placemaking by Design and D4 – Historic Environment.

Councillor Cormie, seconded by Councillor Copland, moved as an amendment:- that the application be approved, in line with the recommendation contained within the report.

On a division, there voted:- for the motion (6) – the Convener, the Vice Convener and Councillors Allan, Greig, Avril MacKenzie and Malik; for the amendment (3) Councillors Cooke, Copland and Cormie.

**The Committee resolved:-**

to adopt the motion and therefore refuse the application.

**91 HIGH STREET, OLD ABERDEEN - LISTED BUILDING CONSENT - 171457**

6. The Committee had before it a report by the Interim Chief Officer, Strategic Place Planning, **which recommended:-**

That the application for listed building consent at 91 High Street, be approved subject to the following conditions.

- 1) No development shall occur until full details of the cill and lintols pertaining to the windows within the converted outbuilding, as well as rooflights, have been submitted to the Planning Authority and agreed in writing. Once approved, the proposed development shall be carried out in complete accordance with the approved scheme.

Reason: In the interest of the character and appearance of the category B-listed building.

- 2) For the avoidance of doubt, all replacement and new windows within the building shall be constructed from timber, as well as the timber linings used to partially block-up the existing doorway fronting onto Blackburn Place.

Reason: To ensure the changes are sympathetic to the special architectural interest of the listed building.

The Committee heard from Jamie Leadbeater, Planner, who spoke in furtherance of the application and answered questions from members.

**The Committee resolved:-**

to approve the application conditionally.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

**15 HIGH STREET, OLD ABERDEEN - 170710**

7. The Committee had before it a report by the Interim Chief Officer, Strategic Place Planning, **which recommended:-**

That the application for a change of use from residential (class 9) to public house (Sui Generis) and installation of ventilation duct to rear, at 15 High Street Aberdeen, be approved subject to the following condition.

- 1) That, for the avoidance of doubt, the garden space within the rear curtilage of the application property shall not be used by customers of the public house at any time.

Reason: In the interests of local residents' general amenity.

**ADVISORY NOTES FOR APPLICANT**

- 1) Express Advertisement Consent is likely to be required should the applicant wish to affix any signage to the application property. It is therefore recommended that the applicant contacts the Planning Service to establish if an application would be needed.
- 2) Listed Building Consent (LBC) may be required for any external or internal changes to the building to facilitate public house use – including advertisements. It is therefore recommended that the applicant contacts the Planning Service to establish if an application would be needed.
- 3) The applicant is responsible for arranging business waste collection from the premises. Aberdeen City Council is not the only waste collection operators in the city. ACC Waste services can be contacted by phone on: 03000 200 292.
- 4) It is recommended that the applicant/developer liaises with Police Scotland's Architectural Liaison Officer to discuss possible measures associated to 'designing-out crime' and securing a 'Secured By Design' award.
- 5) The applicant/operator is required to obtain an appropriate operating licence from the Council's Licensing Department to legally bring the public house proposals into use. ACC Licensing can be contacted by phone on: 01224 522449 or by email at: [licensing@aberdeencity.gov.uk](mailto:licensing@aberdeencity.gov.uk).

The Committee heard from Jamie Leadbeater, who spoke in furtherance of the application and answered various questions from members, whereby the following information was noted.

- The neighbouring chapel offered 24 hour worship and had two residents;
- The noise assessment was primarily inside and looked at the transmission of noise to the adjoining properties;

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

26 April 2018

- In regards to parking at the proposed development, the area was a Controlled Parking Zone; and
- The proposed development was easily accessible and well served by buses.

Councillor McLellan spoke as a local member in regards to the application and highlighted various concerns. Councillor McLellan drew Members attention to the significant amount of objection letters received and also asked if the proposed development was suitable for the area with a Catholic Church as the neighbouring property. Councillor McLellan requested that members consider refusing the application due to the proposed development not complying with policies T5 – Noise and CF1 – Existing Community Sites and Facilities.

### **The Committee resolved:-**

to refuse the application unanimously due to the adverse effect and impact the proposed development would have on the residential amenity of the area and also the Chaplaincy which is a neighbouring property; and as the proposal did not comply with policies CF1 – Existing Community Sites & Facilities and T5 – Noise, of the Local Development Plan.

### **15 HIGH STREET, OLD ABERDEEN - LISTED BUILDING CONSENT - 170709**

8. The Committee had before it a report by the Interim Chief Officer, Strategic Place Planning, **which recommended:-**

That the application for listed building consent for the alterations to the building to form a Public House at 15 High Street Aberdeen, be approved subject to the following conditions.

- 1) No development shall occur until the applicant has submitted precise details to the Planning Authority for approval clarifying the exact location for drilling the ventilation duct into the rear wall. Once agreed, the works shall be carried out in complete accordance with the approved scheme.

Reason: In the interests of minimising damage to the built fabric, particularly stonework, of the listed building

### **ADVISORY NOTES FOR APPLICANT**

- 1) Further Listed Building Consent (LBC) could be required to affix any signage to the building, including above the main entrance door from High Street. It is therefore recommended that the applicant contacts the Planning Service to establish if an application would be needed.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

2) Express Advertisement Consent would most likely be required to erect/affix any signage to the fabric of the listed building which is visible from High Street or Elphinstone Road. It is recommended the applicant/developer engages in pre-application discussion with the Planning Authority for such proposals prior to the submission of any formal application to obtain the required consent.

**The Committee resolved:-**

to approve the recommendation and therefore approve the application conditionally.

**UNIT 12, MASTRICK SHOPPING CENTRE, GREENFERN ROAD - 171333**

**9.** The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for a change of use from class 1 (shops) to sui generis (hot food takeaway) at Unit 12, Mastrick Shopping Centre, Greenfern Road Aberdeen, be approved subject to the following conditions.

- 1) Prior to the use coming into operation, the Local Extract Ventilation (LEV) system as specified in the submitted Noise Impact Assessment (prepared by Bureau Veritas, 20/03/2018) shall be installed and remain operational for the lifetime of the use.

Reason: In the interests of protecting local residents and businesses general amenity.

**ADVISORY NOTES FOR APPLICANT**

Should the applicant/developer wish to affix any new signage to the application property, it is recommended they check with the Planning Service before undertaking any works to check if Express Advertisement Consent will be needed. The Planning Service is contactable on 01224 523470 or at [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)

**The Committee resolved:-**

to approve the recommendation and therefore approve the application conditionally.

**LAND AT BIELDSIDE LODGE, NORTH DEESIDE ROAD - 170028**

**10.** The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the approval of matters specified in conditions 1, 6, 7, 8, 10, 12 and 13 of P120491 for the erection of a dwellinghouse at Bielside Lodge, North Deeside Road, be approved subject to the following conditions.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

1. That any tree removal works agreed in terms of this planning permission shall take place outside the bird breeding season, which for the purposes of this shall be taken to be beginning of March until of end of August – in the interests of wildlife.
2. That works shall not take place unless there remains in place on site the scheme for the protection of trees and to be retained on the site during construction works as approved under this MSC in relation to condition and 12 (Ref. 120491) and this has been agreed on site with the planning authority- in order to ensure adequate protection for the trees on site during the construction of the development.
3. that all planting, seeding and turfing, including the sedum roof, comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.
4. that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 1989 "Recommendation for Tree Works" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.
5. that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.
6. The proposals shall be carried out in complete accordance with the 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) and as approved under condition 13 (Ref.120491), unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.
7. That the development shall take place only in accordance with the Construction Method Statement by Anderson Construction including that there shall be no use of piling or other equipment or methods that would cause vibration as amended by any details agreed in terms of the conditions on this permission, unless otherwise

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

agreed in writing with the planning authority – in the interests of protection of trees and the listed building and structures.

– in the interests of preserving the fabric of the nearby listed building.

8. The structures required for the site hut and welfare area shall not be delivered to the site via the Deeside Walkway, unless details are submitted to and agreed in writing by, the planning authority showing how this can be implemented without damage to trees.
9. No plant, machinery or construction vehicles shall access the area of the site in which construction is proposed to take place via either the western leg access to North Deeside Road, or via the Bielside Lodge / car park area and the eastern leg access – in the interests of protecting trees.
10. That the pipes for the underground services shall not be installed other than in accordance with further details of the thrust boring technique, including a report from a suitably qualified person on the suitability of the site, details of the machinery size and pit locations – in the interests of protecting trees.
11. That works shall not take place unless there remains in place on site the scheme for the protection of listed structures and this is to be retained on the site during construction works as approved under this MSC in relation to condition 1 (Ref. 120491) - in order to help ensure the protection of listed structures on site during the construction of the development.

**ADVISORY NOTES FOR APPLICANT**

1. That the Council's separate agreement is required to the use of the Deeside Walkway for access. The applicant is advised to contact Ian Talboys, Public Infrastructure and Environment.

2. 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.

[For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

3. It should be noted that the following condition is attached to the Planning Permission in Principle Reference 120491:

4. that notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouse, nor any means of



**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling houses hereby approved without a further grant of planning permission from the planning authority - in the interests of visual amenity.

The Committee heard from Lucy Greene, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

**In terms of Standing Order 32.2, Councillor McKenzie temporarily left the meeting and therefore was excluded from participating in the vote.**

The Convener moved, seconded by the Vice Convener:-

that the application be refused for the following reasons:

- (a) that it does not comply with Policy NE5 – Trees and Woodland or adopted Supplementary Guidance on Trees and Woodland due to the loss of trees which are more mature than they were when the planning in principle application was approved and consequent negative impact on the woodland and natural heritage in the area; and.
- (b) that the measures proposed do not provide adequate protection to the listed wall on the site boundary therefore the submitted details do not satisfy the requirements of condition (1)(iv) .

Councillor Copland moved as amendment, seconded by Councillor Cooke:-

that the application be approved, in line with the recommendation contained within the report.

On a division, there voted:- for the motion (4) – the Convener, the Vice Convener and Councillors Greig and Malik, for the amendment (4) – Councillors Allan, Cooke, Copland and Cormie.

There being an equality of votes, in terms of Standing Order 31.6, the Convener exercised her casting vote in favour of the motion.

**The Committee resolved:-**

to approve the motion and therefore refuse the application.

**LAND OPPOSITE 39 BLOOMFIELD ROAD - 180060**

**11.** The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the erection of a 1.5 storey dwelling with double garage, partial excavation and releveling, including construction of retaining walls and associated landscaping at land opposite to 39 Bloomfield Road Aberdeen, be approved subject to the following conditions.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

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

Reason: In the interests of visual amenity.

2. No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority.  
The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:
  1. an investigation to determine the nature and extent of contamination and any ground gases
  2. a site-specific risk assessment
  3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
  4. verification protocols to demonstrate compliance with the remediation plan

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

3. No building(s) on the development site shall be occupied unless
  1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
  2. a report **specifically relating to the building(s)** has been submitted and approved in writing by the planning authority that verifies that remedial works to **fully address contamination and ground gas issues related to the building(s) have been carried out**, unless the planning authority has given written consent for a variation.

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

4. The building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Resources for New Development' Supplementary Guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full

Reason: To ensure that this development complies with requirements for reductions in carbon emissions specified in Policy R7 of the 2017 Aberdeen Local Development Plan.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

5. No development shall take place until a statement detailing how the development shall have/ provide access to modern, up to date high speed communications infrastructure has been submitted to and approved in writing by the planning authority. The approved measures shall thereafter be implemented in accordance with the approved details.

Reason: To ensure compliance with Policy C11 of the 2017 Aberdeen Local Development Plan.

**The Committee resolved:-**

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

**MORKEU, CRAIGTON ROAD - 170307**

- 12.** The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That there be a willingness to approve the application conditionally at Morkeu, Craigton Road Aberdeen subject to a legal agreement in respect of completion of the link road, developer contributions (Secondary Education £10,540.00); Community Facilities £36,225.00; Core Path Network £7,366.00; Open Space £3623.00; Healthcare £20,267.00; and £41,250 affordable housing as set out in the Developer Obligation consultation response, agreement on primary schooling arrangements and appropriately worded planning conditions.

Conditions

1. Hard landscaping

No development shall commence until details of the hard landscaping, including details of the pathways, have been submitted to and approved in writing by the local planning authority. All hard landscaping works which form part of the approved scheme shall be completed prior to the first occupation of any part of the development.

Reason: To enhance the appearance of the development and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2017

2. Soft landscaping

No development shall commence until details of the soft landscaping (including details of any trees or hedges to be retained and measures for their protection during in the course of the development, proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

the landscaping shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt this includes the embankment to the south of plot 1- 4 as shown on DRAWING No. PL01 Rev I.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2017.

3. Soft landscaping (implementation / maintenance)

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any part of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1, D2 and NE5 of the Aberdeen Local Development Plan 2017

4. Protection of existing trees

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2017

5. Materials / Hard Landscaping

The development hereby permitted shall not commence until samples of the materials (including colour) to be used in the construction of the external surfaces, including road and other areas of hardstanding, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policy D1 of the Aberdeen Local Development Plan 2017.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

**6. Refuse and Recycling**

The development hereby permitted shall not commence until a scheme for the storage of refuse and recycling, including the design of the enclosures, have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full as approved prior to the first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To comply with policy R6 of the Aberdeen Local Development Plan 2017

**7. Boundary treatments / details**

Prior to the commencement of development details of the proposed boundary treatments, including any gates, walls and/or fences shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be implemented prior to the first occupation of any of the buildings and retained in perpetuity.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 of the Aberdeen Local Development Plan 2012.

**8. Retention of parking area**

The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with Supplementary Planning Guidance on Transport and Accessibility

**9. Cycle parking**

The development hereby permitted shall not commence until details of secure parking facilities for the occupants of, and visitors to, the development hereby permitted have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the first occupation of any part of the development hereby permitted and shall be retained for use at all times.

Reason: To provide adequate levels of cycle parking and to promote sustainable forms of transportation and to comply with policies T3 and D1 of the Aberdeen Local Development Plan 2017 and Supplementary Guidance on Transport and Accessibility.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

26 April 2018

### 10. Biodiversity Measures

No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of any of the dwellings hereby approved

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy NE8 of the Aberdeen Local Development Plan 2017.

### 11. Permitted Development Rights

Notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any order revoking and re-enacting that Order with or without modification) no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouses, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwellinghouses hereby approved without a further grant of planning permission from the local planning authority.

Reason            The Local Planning Authority considers that further development could cause detriment to the visual amenity of the area and for this reason would wish to control any future development to comply with policies H1 and D1 of the Aberdeen Local Development Plan 2017

### 12. SuDS

No development shall commence until details that the existing SuDs Scheme already in place on site have enough volume capacity to deal with the increased volume from the proposed development and the details shall include, details regarding the capacity of the Cellular storage crates at Rosefield Gardens, construction phase SuDS, information regarding the localised interception of surface water run-off and the protection of the permanent drainage system, and the manhole calculations for the Manholes for M30 & M200 events summer and winter that would need to be carried out using FHE13.

Reason    In in interest of avoiding flooding to comply with policy NE6 of the Aberdeen Local Development Plan 2017

### 13. Bus Stops

Notwithstanding the submitted drawings the dwellings hereby approved shall not be occupied until details of the bus stops on the north and south carriageways of the approved distributor road, including location, design and crossing points over the

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

road have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in complete accordance with the agreed details.

Reason In the interests of public safety and to comply with policy T3 of Aberdeen Local Development Plan 2017

Nicholas Lawrence, Senior Planner, spoke in furtherance of the application and intimated that an extra condition should be added. Andrew Jones, Service Manager, also answered questions from Members in regards to education.

Extra Condition - Use of Flat Roofs

Notwithstanding the approved drawings the roof area shown on house type Uihurst (drawing numbers P-ULS-L-01 and P-ULs-L-01 Rev A) shall not be used as a balcony, roof garden or similar amenity area and the door opening shown on the drawing shall be replaced by a window details of which shall be submitted to and approved in writing by the local planning authority and the agreed details shall be completed prior to the occupation of the dwelling hereby permitted and thereafter be retained.

Reason: in order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy H1 in the Aberdeen Local Development Plan 2017.

**The Committee resolved:-**

- (i) to agree that the extra condition regards flat roofs be added; and
- (ii) to otherwise approve the application conditionally.

**(SITE BETWEEN) COUNTESSWELLS ROAD/HAZLEDENE ROAD - 180013**

**13.** The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the discharge of planning obligation associated with A7/2178 and A8/530 relating to the site of 170525 at Zone A, Countesswells Road Aberdeen, be approved.

**The Committee resolved:-**

to approve the discharge.

**INCHGARTH HOUSE - 170610**

**14.** The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended:-**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

26 April 2018

That the application for the demolition of the Steading and Lodge to allow reinstatement of Inchgarth House and surrounding landscape, be approved unconditionally.

**The Committee resolved:-**

to approve the application unconditionally.

**TRIPLE KIRKS - 151239**

**15.** The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which provided Members with an update in regards to the Developer Obligation payment for Triple Kirks.

**The Committee resolved:-**

to agree that the item be referred simpliciter to Full Council for consideration.

- **Councillor Marie Boulton, Convener**



**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**  
26 April 2018

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	A	B	C	D	E	F	G	H	I
1	<b>PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER</b> The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	If delayed, removed, transferred or withdrawn, enter either D, R, T or W	Explanation if delayed, removed, transferred or withdrawn
3			<b>24 May 2018</b>						
4	76 Morningside Avenue	to approve or refuse the application	<b>On agenda</b>	Sheila Robertson	Strategic, Place, Planning	Place	1		
5	26 Craigmarionn Gardens	to approve or refuse the application	<b>On agenda</b>	Roy Brown	Strategic, Place, Planning	Place	1		
6	Land at Dubford	to approve or refuse the application	<b>On agenda</b>	Robert Forbes	Strategic, Place, Planning	Place	1		
7	69 Frederick Street (Saltoun Arms)	to approve or refuse the application	<b>On agenda</b>	Robert Forbes	Strategic, Place, Planning	Place	1		
8	Former AECC site	to approve or refuse the application	<b>On agenda</b>	Lucy Greene	Strategic, Place, Planning	Place	1		
9			<b>21 June 2018</b>						
10	Development of Models for Civic Leadership and Engagement	To consider models for Civic Leadership and Engagement		Derek McGowan	Early Intervention and Community Empowerment	Customer		R	Following the decision at Full Council on 5 March to 'endorse the values and principles of civic leadership and engagement as set out in Appendix L' there was not a further requirement to report to Committee. This has therefore been removed from the planner. Any future proposals regarding civic leadership and engagement will be presented to the appropriate committee for consideration.
11	Hill of Rubislaw	to approve or refuse the application		Matthew Easton	Strategic, Place, Planning	Place	1	D	Further information required.
12	Bridge of Dee Bar, 170966	to approve or refuse the application		Gavin Clark	Strategic, Place, Planning	Place	1	D	More time required to finalise report.

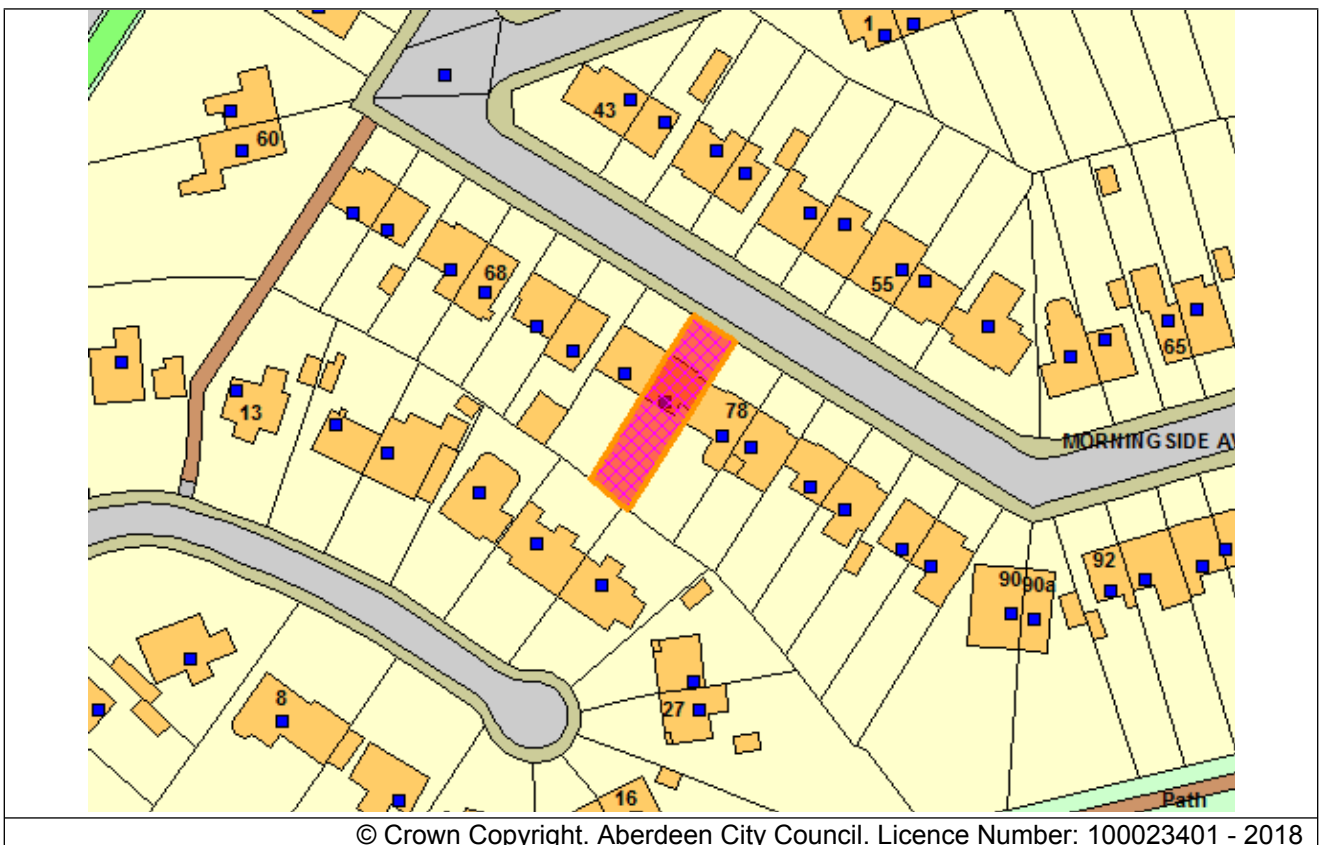
	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	If delayed, removed, transferred or withdrawn, enter either D, R, T or W	Explanation if delayed, removed, transferred or withdrawn
2									
13	Maidencraig	to approve or refuse the application		Gavin Clark	Strategic, Place, Planning	Place	1	D	Design changes required.
14	1 Western Road, 081415	to approve or refuse the application		Robert Forbes	Strategic, Place, Planning	Place	1	D	Discussions on land ownership ongoing.
15	257 North Deeside Road	to approve or refuse the application		DB	Strategic, Place, Planning	Place	1		
16			<b>16 August 2018</b>						
17	Confirmation of TPO 248 and 249	to combine TPO 248 with TPO 249 and to report back to a subsequent Committee with the combined report for consideration.		Kevin Wright	Strategic, Place, Planning	Place	1		
18	Broadford Works - 4 applications	to approve or refuse the application		Lucy Greene	Strategic, Place, Planning	Place	1		
19									
20									
21									
22			<b>20 September 2018</b>						
23									
24									
25			<b>01 November 2018</b>						
26									
27									
28									
29			<b>6 December 2018</b>						
30	Shielhill Road Mundurno	to approve or refuse the application.		Robert Forbes	Strategic, Place, Planning	Place	1		
31									
32			<b>24 January 2019</b>						
33									
34									
35			<b>21 February 2019</b>						
36									
37									
38			<b>21 March 2019</b>						
39									
40									
41			<b>18 April 2019</b>						
42	Annual Committee Effectiveness Report	To present the annual effectiveness report for the Committee.	May-19		Governance	Governance	GD 7.4		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	If delayed, removed, transferred or withdrawn, enter either D, R, T or W	Explanation if delayed, removed, transferred or withdrawn
2									
43									
44	<b>AD HOC REPORTS (CYCLE DEPENDENT ON REQUIREMENT TO REPORT)</b>								
45									
46									
47									
48									
49			May 2019 Onwards						
50									

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	<h2>Planning Development Management Committee</h2>
	Report by Development Management Manager
	<b>Committee Date: 24 May 2018</b>

<b>Site Address:</b>	76 Morningside Avenue, Aberdeen, AB10 7LX,
<b>Application Description:</b>	Erection of 1.5 storey extension to rear
<b>Application Reference:</b>	180409/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	20 March 2018
<b>Applicant:</b>	Mr Liam Christie
<b>Ward:</b>	Airyhall/Broomhill/Garthdee
<b>Community Council</b>	Braeside And Mannofield
<b>Case Officer:</b>	Sheila Robertson



### **RECOMMENDATION**

Approve Unconditionally

## APPLICATION BACKGROUND

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### Site Description

The application relates to a 1½ storey semi-detached dwelling house, of semi-modern design, facing north east across Morningside Avenue. The property has dormer windows to both front and rear elevations and a single garage has been added to the gable elevation. The immediate area is characterised by semi-detached dwelling houses of similar design. Ground levels drop by 1m between the front and rear elevations of the dwelling.

### Relevant Planning History

An application for planning permission (180077/DPP) for a 1½ storey rear extension was withdrawn in March 2018. This application proposed a similar extension; however, its roof ridge was higher than now submitted, tying in with the existing roof ridge; its projection was 6.6m, 2.6m longer than now proposed although set 1m off the mutual NW boundary; an area of raised decking was included to the rear; and a dormer was located to the NW roof elevation and low-level roof light to the SE.

## APPLICATION DESCRIPTION

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### Description of Proposal

The application proposes the erection of a 1½ storey extension, extending across the full width of the rear elevation, to provide a family room at ground floor level and a bedroom/en-suite at upper level. The extension would have a 4m projection with an overall built footprint of 25.2sqm. The roof would be pitched at right angles to the main roof, its eaves sitting just below existing with a ridge height 1.5m below existing and 650mm above the flat roof of the rear dormer. Except for a small roof light with etched glazing to the north west roof elevation serving the en-suite, all glazing would be confined to the rear facing elevation and would consist of double width sliding doors to both ground and upper floor levels, the upper window protected by a glazed balustrade. Due to changes in ground levels, there would be a 900mm depth of underbuilding towards the rear of the extension to ensure the internal ground floor level would match existing. Finishing materials would include roof slates, white render and vertical timber cladding at first floor level. This proposal has been amended since original submission following advice from the Planning Service, to remove a dormer from the NW elevation and substitution by a roof light.

### 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=P5UKLNBZJYF00>.

### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has been the subject of six or more timeous letters of representation (following advertisement and/or notification) that express objection or concern about the proposal and thus falls out with the Council's Scheme of Delegation.

## CONSULTATIONS

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**ACC - Roads Development Management Team** – No observations.

**Braeside and Mannofield Community Council** - Comments received, neither supporting nor objecting to the proposal, which state *"The Community Council objected to the previous application prior to the application being withdrawn. We understand there is still neighbour*



*objections and the Community Council requests that the Supplementary Planning Advice and the Local Development Plan are fully taken into account when considering the application”.*

## **REPRESENTATIONS**

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8 letters of representation (objection) have been received. The objections were received prior to the submission of amended plans and can be summarised as follows: -

- All extensions to properties within the immediate area are single storey – therefore the proposal would be inappropriate and out of keeping with the character of the surrounding area and encourage similar proposals.
- Overdevelopment of the site.
- The extension is 2 storeys and should not project by more than 3m.
- Impact on the amenity of neighbouring properties in terms of loss of day light, overshadowing and privacy.

## **MATERIAL CONSIDERATIONS**

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### **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

### **Aberdeen Local Development Plan (2017)**

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking by Design)

### **Supplementary Guidance and Technical Advice Notes**

- The Householder Development Guide

### **Other Material Considerations**

- BRE Information Paper on ‘Site Layout Planning for Daylight’

## **EVALUATION**

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### **Principle of Development**

The application site is located in a residential area, under Policy H1 of the Aberdeen Local Development Plan and the proposal relates to householder development. Proposals for such development will accord with this policy in principle if it: does not constitute over development; does not have an unacceptable impact on the character and amenity of the surrounding area; does not result in the loss of valuable and valued areas of open space; and complies with associated Supplementary Guidance. As this proposal would be located within an existing residential curtilage, the proposal would not result in the loss of valuable and valued areas of open space. The other guidelines mentioned above are assessed in the below evaluation.

### **Design, Scale and Layout**

The proposed extension is considered to be of acceptable scale and compliant with the Supplementary Guidance for the following reasons: the extension would add an additional 25.2sqm to the existing footprint of 71sq.m, well under the maximum 100% increase on the existing footprint permitted, and which would increase the built site coverage from 22% to 29.9%, retaining a low density of development that would compare favourably with neighbouring densities and therefore be acceptable within the context of the surrounding area. Well in excess of 50% of

the usable rear garden space would remain undeveloped as required by the guidance. Overdevelopment of the site therefore would not be an issue.

The Householder Development Guide limits the projection of single storey rear extensions to a maximum of 4m along a mutual boundary separating a pair of semis. On such properties of 2 or more storeys, two storey extensions may be possible subject to a maximum 3m projection along a mutual boundary. The application property is a 1½ storey dwelling house, defined as a single storey dwelling house that includes habitable rooms within the roof/attic space, with sloped internal ceilings and dormers/roof lights. Although containing two floors of accommodation, it is not classed as having 2 storeys, which would have full height ceilings to the upper floor and regular windows to an external wall. Therefore, as the rear extension is also considered to be a 1½ storey addition, the limitation on projection applicable to single storey dwelling houses will apply in which case, the proposed 4m projection would be fully compliant with the above guidance. The area of underbuilding required to construct the extension does not change the definition of type of extension.

In terms of design, the extension would make an acceptable contribution to its setting and respect the architecture of the existing dwelling; its roof ridge would be positioned below that of the main dwelling, as would its eaves resulting in it appearing secondary and therefore subservient to the original dwelling, and, in addition to its footprint, would neither overwhelm nor dominate the rear elevation; and proposed materials would either match or add a contrast to the existing finishes. Although such extensions are not common within the immediate area, they are an acceptable form of development city wide, and since the site is land locked to the rear, the proposed extension would not be readily visible from either the principal elevation or from any public viewpoint therefore its visual impact to the streetscape and surrounding area would be negligible. Due consideration has therefore been paid to its siting, scale, design and finishing materials and the proposal is therefore fully compliant with the aims of Policy D1 and with the guidance contained in the Householder Development, having been designed with sufficient regard for the character of the existing building and its context within the surrounding area.

### **Impact on Residential Amenity**

Calculations regarding impact to neighbours' internal daylight receipt, based on methodology contained in the BRE Information Paper on 'Site Layout Planning for Daylight', demonstrate no impact to any neighbouring windows. When the calculations are applied to additional overshadowing, they indicate that while there would be no impact to No 78 Morningside Avenue due to its orientation, an area of garden ground to the rear of No 74 Morningside Avenue would be affected by overshadowing during early morning however given the extent and mainly south/south westerly aspect of their available areas of garden ground, the short duration and magnitude of the resultant overshadowing are such that any impact to their current amenity and enjoyment of their garden ground would be negligible and not sufficient to warrant refusal of the application. Their windows to the south western elevation would continue to receive sunshine for the greater part of the day, and any reduction in the internal receipt of sunshine would also be within an acceptable level.

In terms of privacy, sufficient rear garden boundary screening is in-situ to ensure no additional overlooking from the windows at ground floor level. At upper level, the full height window would face towards the rear elevation of properties facing Deeside Park and given that no new windows would either directly face or be on the same plane as any neighbouring windows to the rear, and there would be a minimum of 23m separation distance from the proposed extension, which is well out with the minimum 18m window - to - window distance required to maintain internal privacy, there would be no impact to their internal privacy. There is an existing dormer to the rear of the application property which already offers views over neighbours rear gardens; the proposed window at upper level, although closer to the rear boundary than existing, would not result in any

additional opportunity for further overlooking than exists at present. Existing residential amenity would therefore be retained in compliance with Policy H1.

### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

### **Matters Raised in Representation.**

Matters relating to design, height, projection, sunlight, daylight, and privacy have been assessed in the above evaluation. No precedent would be set by this application as every planning application is assessed on its own merits, on a site specific basis, against the relevant current national and local planning policies and guidance.

## **RECOMMENDATION**

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Approve Unconditionally

## **REASON FOR RECOMMENDATION**

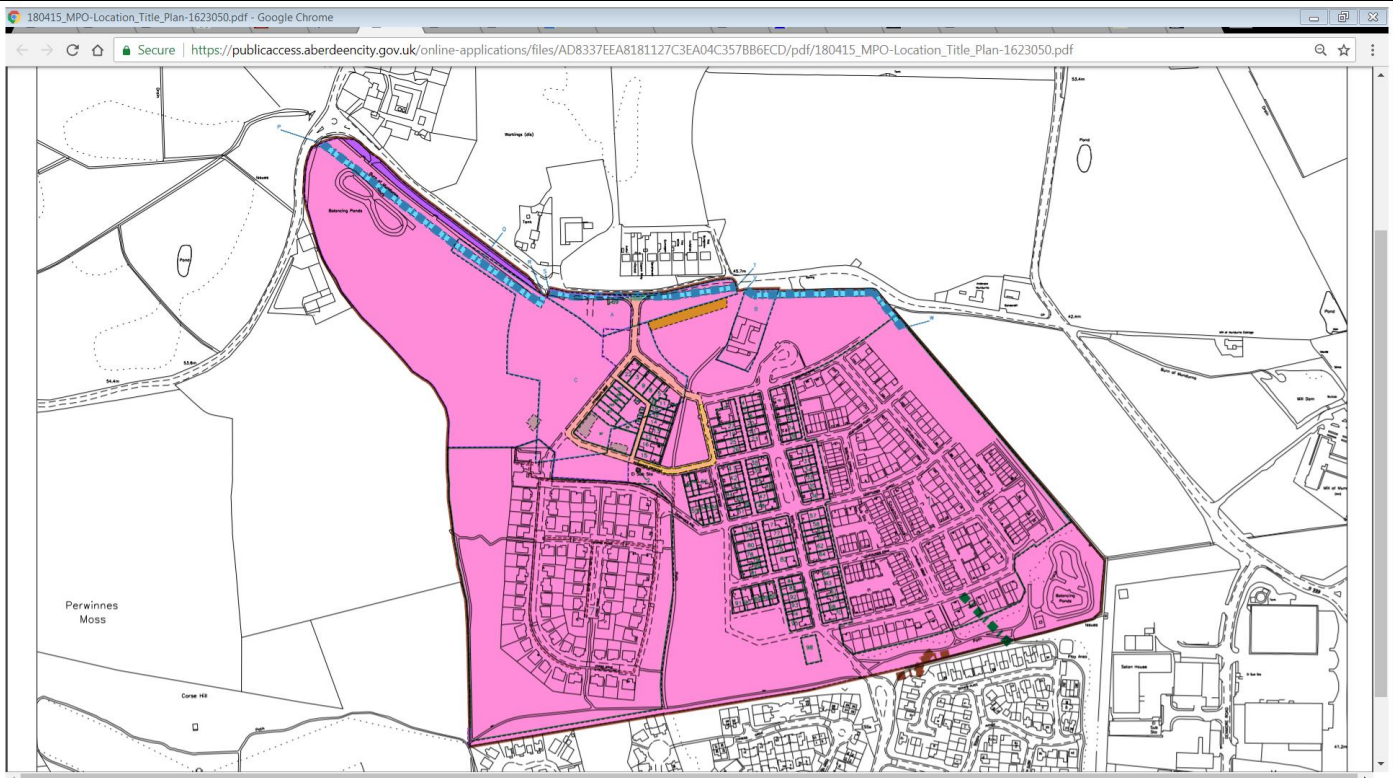
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The proposed extension is considered to be secondary to the existing property by way of its size, scale and position, and acceptable in terms of design and materials, having been designed to respect the form and architecture of the existing dwelling. Its dimensions and location are such that the site would not be over developed and there would be no significant adverse impact on residential amenity of neighbouring properties in terms of daylight receipt and privacy, and although there would be a slight increase in overshadowing, it would be within an acceptable level. There would be a neutral impact on the visual character of the streetscape, the extension not being visible from outwith the site. The proposal is therefore considered to comply with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 and with the associated Supplementary Guidance - Householder Development Guide. On the basis of the above, and following on from the evaluation under policy and guidance, including the matters raised in representation, it is considered that there are no material planning considerations that would warrant refusal of the application.

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 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p><b>Committee Date: 24 May 2018</b></p>

<b>Site Address:</b>	Land At Dubford, Bridge Of Don, Aberdeen,
<b>Application Description:</b>	Modification of planning obligation associated with 141506 to amend clause 4.2 to remove the requirement to provide 2 affordable housing units
<b>Application Reference:</b>	180415/MPO
<b>Application Type</b>	Modification/Discharge of Planning Obligation
<b>Application Date:</b>	20 March 2018
<b>Applicant:</b>	Scotia Homes Ltd
<b>Ward:</b>	Bridge Of Don
<b>Community Council</b>	Bridge Of Don
<b>Case Officer:</b>	Robert Forbes



### **RECOMMENDATION**

Approve Modification

### **APPLICATION BACKGROUND**

#### **Site Description**

This site is located at the northern edge of the built up area of Bridge of Don. It comprises part of a wider development site under construction by the applicant and other housing developers, including Barratt, and CALA.

## Relevant Planning History

Application Number	Proposal	Decision Date
141506	Erection of 115 units (Scotia)	20.06.16
131614	Erection of 65 units (CALA)	05.01.14
121422	Mixed use development (41 Scotia units)	27.09.13
121387	Erection of 191 dwellings (Barratt)	19.09.13
120722	Erection of 109 units (Scotia)	19.09.13

Application 141506, which forms Phase 3 of the overall Dubford development, has an associated S75 legal obligation requiring delivery of 15 affordable units on site (a mix of 11 mid-market rental and 4 in Low Cost Home Ownership (LCHO)). This equates to 13% of the units and exceeds the minimum requirement of 10% of the overall number of units. Development is well advanced.

### Other relevant background:

A S75 obligation for the wider Dubford development (relating to the developments approved via Refs 120722, 121387 and 121422) requires affordable housing provision (minimum 10% on site and a commuted sum equating to 15%, totalling 25%), in order to accord with policy H5. The bulk of the affordable housing units at Dubford are provided within the part of the site being developed by Barratt (approved under application 121387). Delivery of these units is not affected by the proposed modification sought in relation to application 141506.

The Council has recently approved the following similar proposals for off-site delivery of affordable housing:-

170881/MPO- 8 affordable units related to a CALA development at Friarsfield Road, Cults permitted to be delivered at King Street, in lieu of on-site – a ‘minded to grant’ decision was taken at PDMC on 02.11.17. On conclusion of a revised legal agreement the decision notice was issued on 07.03.18; and

170317/MPO- 22 affordable units related to a Barratt development at Cornhill, Berryden Rd permitted to be delivered at Park Road, in lieu of on-site – PDMC were ‘minded to grant’ this application, subject to conclusion of a revised legal agreement on 20.04.17. Progress on the revised S75 remains ongoing at the time of writing this report.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

This application seeks to modify an existing planning obligation (S75) relative to planning approval ref: 141506, particularly relating to the terms of delivery for affordable housing. The proposal is to allow for a proportion of the requisite affordable units to be delivered outwith the application site – specifically for 2 of the LCHO units (of the 4 required) to be provided at a Scotia housing development at Wellington Road, Cove rather than at Dubford.

### **Supporting Documents**

All drawings, the location plan, application form 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=P5W25WBZ02E00>.

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

- Letter from the agent setting out the purpose / content of the application;
- Letter of support from Grampian Housing Association (GHA) advising of their intended delivery of two additional affordable housing units at Cove;
- Legal report.

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the Bridge of Don Community Council object and the recommendation is for approval.

### **CONSULTATIONS**

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**ACC - Housing Strategy & Performance** – No objection. Advise that pre-application discussions have taken place with the applicant regarding transfer of the 2 affordable units from Bridge of Don to Cove. Grampian Housing Association (GHA), a Registered Social Landlord (RSL) have now secured funding for delivery of these social rented units at Cove, which they intend to purchase from Scotia. Delivery of such units is anticipated imminently. This is welcomed as social rented housing units are a preferred tenure of affordable housing to LCHO units which were to be provided at Dubford.

**Developer Obligations Team** – No objection. Advise that no additional financial contributions are required. Advise that the existing legal obligation (at Cove) will need to be adjusted to account for an additional 2 affordable units proposed there.

**Bridge of Don Community Council** – Object to the loss of affordable housing units from Bridge of Don.

### **REPRESENTATIONS**

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None

### **MATERIAL CONSIDERATIONS**

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#### **Legislative Requirements**

Section 75A of the Town and Country Planning (Scotland) Act 1997 allows for a person against whom a planning obligation is enforceable to apply to the planning authority to have the obligation either modified or discharged. In determining such requests, the planning authority must consider the application on its own merits and reach a decision in accordance with the terms of the development plan, unless material considerations indicate otherwise. Any modification should be considered against the policy tests set out in Circular 3/2012 (Planning Obligations and Good Neighbour Agreements).

The planning authority may determine that the obligation be modified as per the proposed modification or continue in its current form. It cannot determine that the obligation should be subject to any modification other than the modification set out in the application – i.e. the proposed modification is either approved or refused.

#### **National Planning Policy and Guidance**

Scottish Planning Policy encourages delivery of new housing. Para 109: “*Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development.*”

#### Circular 3/2012 – Planning Obligations and Good Neighbour Agreements

Planning obligations made under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) should only be sought where they meet all of the following tests:

- necessary to make the proposed development acceptable in planning terms (paragraph 15)
- serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
- fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
- be reasonable in all other respects (paragraphs 24-25)

#### **Aberdeen Local Development Plan 2017 (ALDP)**

H5: Affordable Housing

#### **Supplementary Guidance and Technical Advice Notes**

Affordable Housing

### **EVALUATION**

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#### **Principle of Development**

In assessing the suitability of the proposed change, consideration will be given to the ALDP and the Affordable Housing Supplementary Guidance (SG).

Firstly ALDP policy H5 states that housing developments of five or more units will be required to contribute no less than 25% of the total number of units as affordable housing. In this regard the existing S75 requires the delivery, as part of the affordable housing obligation, of 4 LCHO units and 11 mid-market rent units on site. The remaining requirement would be addressed via commuted sum..

Additionally the SG contains a sequential approach that states the Council’s preferences for delivery of affordable housing:

1. Onsite – Social Rent: either by a Registered Social Landlord (RSL) or the Council;
2. Onsite – Intermediate Housing: LCHO, Mid-Market Rent, etc.;
3. Offsite; then
4. Commuted Sum.

Currently affordable housing provision within the application site would be made up of elements described under points 2 and 4. The proposed modification would see a mix of points 2, 3 and 4.

In considering this the SG states that if offsite is to be considered acceptable, then it should be located within the same submarket area. In this case, both Bridge of Don and Cove are within the same submarket area (i.e. suburban, as opposed to suburban prime, or urban core)



The SG requires that there should be no overconcentration of affordable housing in such instances. It is considered that there is no significant concentration of affordable housing at Cove, ( e.g. relative to regeneration areas such as Torry, Seaton, etc) so that enhanced provision there is desirable.

The SG also requires submission of a viability statement. No viability information has been submitted and it is considered that there are no exceptional development costs/ viability constraints in relation to delivery of the development at Dubford. A degree of tension with the Council's SG therefore exists in this regard. However, this is not considered to be a critical matter in this specific case given the overall benefit of securing delivery of social rented housing. Whilst not fully compliant with the SG, the housing provision would enable the delivery of 2 additional social rented units (which is seen as the Council's preferred tenure of affordable housing delivery) in lieu of 2 LCHO units. It is of particular relevance that such social rented units would provide long term affordability, unlike LCHO units.

Allowing the variation is considered consistent with the positive and flexible approach to delivery of housing set out in Scottish Planning Policy. It is also consistent with previous decisions by the Council to reduce the requirement for on-site provision of affordable housing at other private housing developments located at Cults and Cornhill, and to allow this to be provided at alternative locations. In the case of these previous approvals, it is relevant that the proposed affordable units are to be provided in less high value sub market areas, in contrast with the current proposal, which sees no such tension with approved guidance on affordable housing delivery. Both the City Council's Housing Strategy Manager and Developer Obligations advisor are agreeable to the variation. The requirement for a commuted sum towards affordable housing provision elsewhere within the City (including potentially at Bridge of Don) would remain.

Notwithstanding the Community Council's objection, in this instance there are considered to be sufficient material considerations that would outweigh the SG and justify approval of the variation (specifically the delivery of additional social rented units in the city within the same submarket area and the positive and flexible approach to delivery of housing set out in Scottish Planning Policy).

### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed modification is not considered to give rise to any differential impacts on those with protected characteristics. In coming to this assessment the Planning Authority has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **RECOMMENDATION**

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Approve Modification

### **REASON FOR RECOMMENDATION**

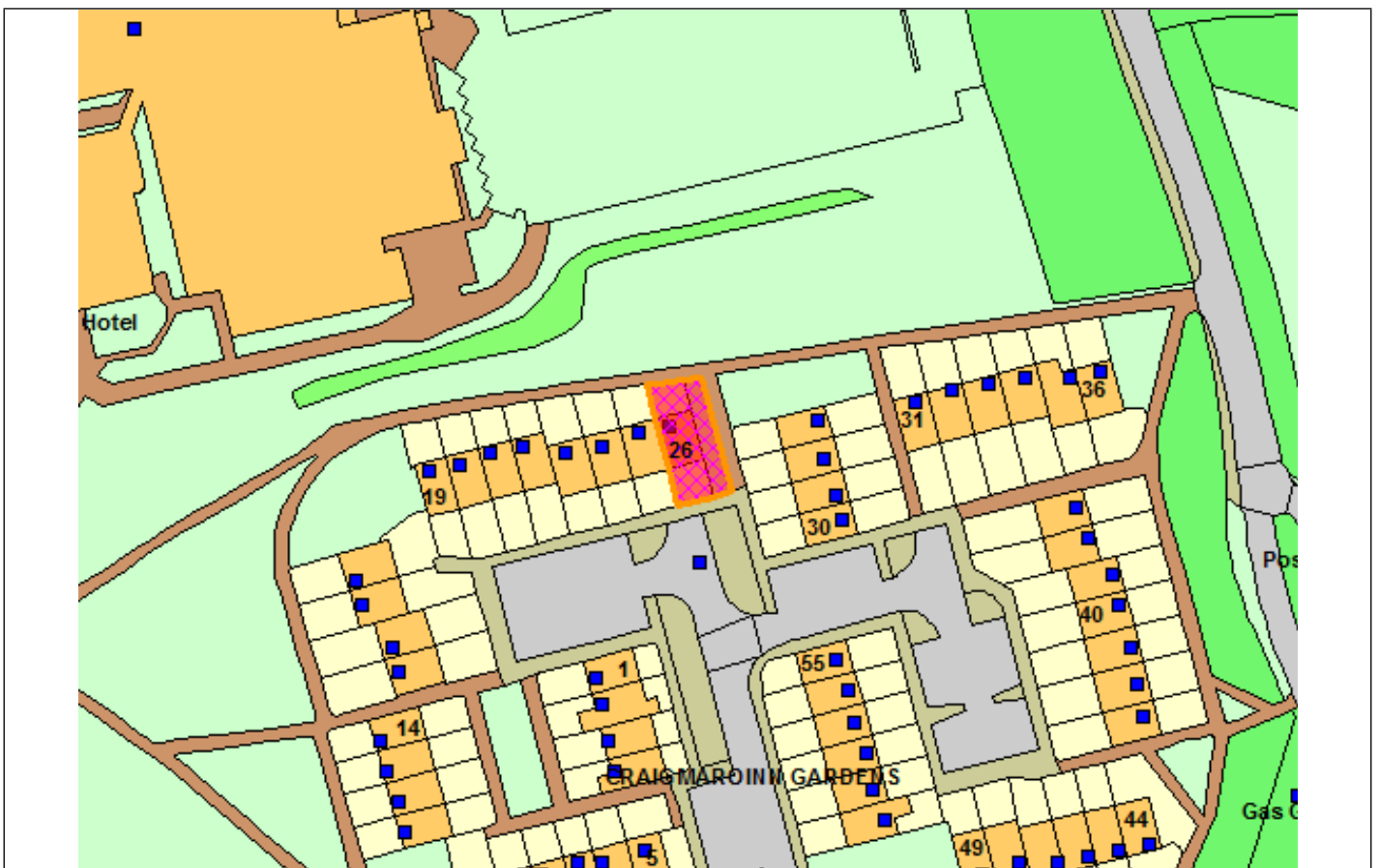
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Whilst not fully compliant with policy H5 – Affordable Housing of the Aberdeen Local Development Plan 2017 and the related Affordable Housing Supplementary Guidance, the proposed modification to the existing section 75 obligation would enable the overall delivery of an equal number of affordable housing units within Aberdeen, within the same submarket area and within a preferred tenure to that which was approved (i.e. RSL social rented as opposed to low cost housing units). Allowing the variation is consistent with the positive and flexible approach to delivery of housing set out in Scottish Planning Policy.

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 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;"><b>Committee Date: 24 May 2018</b></p>
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<b>Site Address:</b>	26 Craigmaroinn Gardens, Aberdeen, AB12 3SG,
<b>Application Description:</b>	Change of use from public amenity space to garden ground and erection of boundary wall
<b>Application Reference:</b>	180482/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	28 March 2018
<b>Applicant:</b>	Mr Christopher Smart
<b>Ward:</b>	Kincorth/Nigg/Cove
<b>Community Council</b>	Cove and Altens
<b>Case Officer:</b>	Roy Brown



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### **RECOMMENDATION**

Approve Unconditionally

## APPLICATION BACKGROUND

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### Site Description

The site comprises an approximate 62sqm area of amenity land to the north-east of 26 Craigmaironn Gardens, a modern two storey end-terraced dwelling. The site is located in Craigmaironn Gardens, an established suburban residential area of terraced dwellings with central car parking areas and public footways in and around the development and presently contains a number of shrubs. Craigmaironn Gardens is surrounded to the north, east and west by open space. The site is bounded by public footpaths to the north-west and north-east, and a footway to the south-east.

### Relevant Planning History

None

## APPLICATION DESCRIPTION

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### Description of Proposal

The change of use from public amenity space to domestic garden ground, and the erection of a harled boundary wall which would be between 0.9m and 1.5m in height. This application solely considers the principle of use and its associated development. Land ownership and use rights would be a separate legal matter to be addressed by any parties concerned.

### Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P6AGSQBZK7E00>

### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and has been the subject of formal timeous objection by Cove and Altens Community Council within whose area the application site falls.

## CONSULTATIONS

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**Cove and Altens Community Council – Objection** - They object to the removal of public amenity space which was provided as part of a ratio of housing density to open space. Removing pockets of open space would set an undesirable precedent for development of a similar nature and would be detrimental to the overall streetscape and amenity of the area.

## REPRESENTATIONS

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Two letters of representation have been received (1 neutral letter and 1 objection). The matters raised which are material planning considerations can summarised as:

- The green spaces around Craigmaironn Gardens are an important amenity and provide an open setting. This particular space is used frequently by children and local residents walking their dogs. The loss of this space would have an adverse impact on the character of the area.
- The boundary wall would adversely affect the open setting and would be out of character and scale with the surrounding area.
- The proposal would set a precedent for similar proposals.

A letter of representation was concerned that the boundary wall would have an adverse impact on their private view. This is not a material planning consideration and therefore it cannot be included in the assessment of this application. Clarification was also sought on the height of the boundary wall.

## **MATERIAL CONSIDERATIONS**

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### **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.

### **Aberdeen Local Development Plan (2017) (ALDP)**

- Policy H1 - Residential Areas
- Policy D1 - Quality Placemaking by Design

### **Supplementary Guidance**

- Householder Development Guide
- Green Space Network & Open Space

### **Other Material Considerations**

- Aberdeen Open Space Audit 2010

## **EVALUATION**

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### **Principle of the Change of Use**

The application site is located in a residential area, under Policy H1 of the ALDP, and the proposal relates to the change of use of the land to domestic garden ground, and to householder development. For this proposal to comply with Policy H1 in principle, it should not constitute over development, it should not have an unacceptable impact on the character and amenity of the surrounding area, it should not result in the loss of valuable and valued open space, and it should comply with the relevant Supplementary Guidance.

Given this proposal would have negligible impact on the intensity of the use on the site, it would not constitute overdevelopment. It is recognised that the site has an amenity value in terms of providing a soft edge to the footpaths at the northern edge of Craigmarrinn Gardens, and it would have been a designed area of communal open space for this residential area. However, this area is a small, incidental area relative to the larger area of open space to its east and the much larger area of open space which surrounds Craigmarrinn Gardens to the north. The site contains a number of cut-back shrubs but no established trees or significant landscape features and thus the area is not considered to be of significant biodiversity, recreation or sport value. On balance, the amenity value of this area of open space and contribution to the character of this area is not considered to be significant whereby a change of use to domestic ground would significantly conflict with the Supplementary Guidance: 'The Householder Development Guide' and Policy H1 – Residential Areas.

Although data from the Open Space Audit 2010 and the Green Space Network & Open Space Supplementary Guidance identifies that Craigmarrinn Gardens has a deficiency in terms of its distance to major open spaces and to allotments, given the size and function of the site as a strip of amenity land relative to the much larger areas of meaningful open space in the area, the change of use would not create a deficiency in public open space to the surrounding area, in compliance with the Supplementary Guidance: 'The Householder Development Guide'.

The change of use would not result in an irregular boundary treatment as it would continue the domestic boundaries of the 26 Craigmarrinn Gardens and would extend only as far as the clear boundary with the public footpath, in compliance with the Supplementary Guidance: 'The Householder Development Guide'.

This change of use would not give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future, which could incrementally erode larger areas of open space. This is because there are negligible similar nearby defined areas of amenity land which are as minor in terms of area, have limited biodiversity, recreation and sport value, and can be logically incorporated into a domestic garden boundary.

The proposal would therefore not significantly adversely affect the character and amenity of the surrounding area, would not result in a significantly valued area of open space, and would not conflict with the aims of the Supplementary Guidance: 'The Householder Development Guide'. It would thus not conflict with Policy H1 – Residential Areas the Aberdeen Local Development Plan.

### **Proposed Boundary Wall**

The proposed change of use would not affect the function or public amenity value of the adjacent public footpath or have any public safety implications, as the proposed boundary wall would only have a maximum height of 1.5m. The proposed boundary wall would be suitable in design, scale and materials to the original building and the residential area. It would therefore comply with Policy H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; and the Supplementary Guidance: 'The Householder Development Guide'.

### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

### **Matters Raised in the Letters of Representation**

The matters raised which are material planning considerations are noted and have been considered in the above evaluation. It is recognised that the space can presently be used informally as was highlighted. The space is nevertheless not considered to be of significant biodiversity, sport and recreation value and the change of use would not result in a deficiency of open space for these informal uses.

### **Matters Raised by the local Community Council**

The matters raised by Cove and Altens Community Council are noted and have been considered in the above evaluation.

## **RECOMMENDATION**

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Approve Unconditionally

## **REASON FOR RECOMMENDATION**

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Whilst the site has an amenity value in terms of providing a soft edge to the footpaths at the northern edge of Craigmarrinn Gardens, the space is a minor incidental area which is not considered to be of significant biodiversity, recreation or sport value. The change of use would not result in a deficiency of open space in the surrounding area, it would not set an unwelcome precedent for similar proposals which could incrementally erode larger areas of open space given the absence of similar spaces in the surrounding area, it would not have any public safety implications, and it would not result in the loss of any significant natural landscape features or

trees. On balance, its amenity value and contribution to the character of the surrounding area is not considered to be significant whereby the change of use to domestic garden ground would warrant the refusal of planning permission. The proposed boundary wall would be suitable in design, scale and materials to the original building and the residential area. The proposal would therefore not significantly conflict with the Supplementary Guidance: 'The Householder Development Guide' and Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan. There are no material planning considerations which would warrant refusal of planning consent in this instance.

#### **ADVISORY NOTES FOR APPLICANT**

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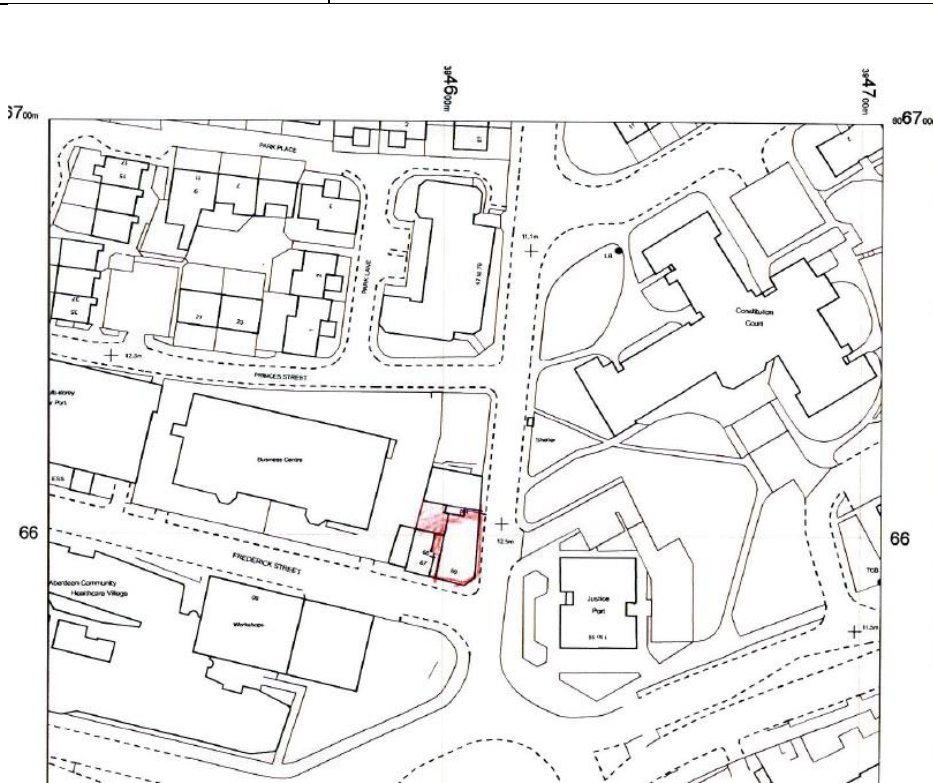
The grant of planning permission for the formalisation of use to domestic garden ground does not alter the present ownership of the land.

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 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date: 24 May 2018</b>

<b>Site Address:</b>	Saltoun Arms, 69 Frederick Street, Aberdeen, AB24 5HY
<b>Application Description:</b>	Change of use of garden ground area to outdoor bar seating area to rear (retrospective)
<b>Application Reference:</b>	180518/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	2 April 2018
<b>Applicant:</b>	Jevgeni Latosen
<b>Ward:</b>	George Street/Harbour
<b>Community Council</b>	Castlehill And Pittodrie
<b>Case Officer:</b>	Robert Forbes



## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

Land at the rear of a city centre tenement building of 19th century origin. The site was previously disused, having historically been used by the flats above as communal garden ground / outbuildings, but has been incorporated into the curtilage of the pub which occupies part of the ground floor. It is fully enclosed by high walls, not visible from the street and is accessed via doors in the rear wall of the pub. It is overlooked by the flats on upper floors. Other adjacent uses include a hairdressers, NHS facility, business premises and a hot food take away.

### Relevant Planning History

Application Number	Proposal	Decision Date
031703	Conversion of pub to 2 flats	29.10.03

The above application was approved subject to conditions but not implemented and is thus no longer valid.

## APPLICATION DESCRIPTION

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### Description of Proposal

Use of the external area as a beer garden associated with the pub. The area extends to 36 square metres. It has been surfaced with timber decking and has some fixed seating. It is accessed via doors which have been formed in the rear wall of the pub. The beer garden has level / step free access from within the public house in accordance with disability access requirements. Emergency exit is via the communal tenement stairwell.

### Supporting Documents

All drawings, the location plan, application form 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=P6KFFJBZ01U00>

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

- Supporting Statement . This states that the work has both warrant and licensing approval. The proposal obviates the need for smokers to stand on the pavement outside the entrance to the premises.

### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because of objection by the Community Council and an officer recommendation of approval.

## CONSULTATIONS

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**ACC - Environmental Health** – No objection, subject to conditions restricting hours of use and prohibiting amplified music in the external area.

**Community Council** - Object on the basis of proximity of the premises to a school, playpark and homes and public health concerns (e.g. encouragement of drinking alcohol). Recognise that "Food and Drink" is an identified theme of the Council's economic strategy but do not consider that expansion of the outdoor area is necessary for the business to thrive.

## REPRESENTATIONS

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None

## **MATERIAL CONSIDERATIONS**

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### **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**

SPP encourages enhancement of the vitality and viability of existing centres.

### **Aberdeen City and Shire Strategic Development Plan (ACSSDP)**

A key aim is to grow and diversify the regional economy.

### **Aberdeen Local Development Plan (2017)**

NC1: City Centre Development – Regional Centre

H2: Mixed Use Areas

T5: Noise

### **Supplementary Guidance and Technical Advice Notes**

- Noise
- Harmony of Uses

## **EVALUATION**

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### **Principle of Development**

The proposal relates to the extension of an existing authorised city centre use. Expansion of the public house business accords with the objective of growing and diversifying the regional economy, as set out in ACSSDP. It would also enhance the vitality and viability of the city centre in accordance with the objectives of SPP and local plan policy NC1.

### **Residential Amenity Impact**

In terms of policy H2, there is a need to avoid undue conflict with adjacent uses and amenity. As the public house already exists, and has done for many years, the residential amenity of adjacent flats (i.e. those directly above) is reflective of this. However, the use of the external courtyard as an associated 'beer garden' has the potential to additionally impact on the amenity of those residents (e.g. due to noise /activity, particularly late at night), however, it is considered that this can be addressed by imposition of a condition restricting the hours of its use and ensuring that the external door to the beer garden are self closing and otherwise kept shut when it is not in use, in order to prevent access to that area or the escape of noise from within the pub. Other adjacent uses would not be significantly adversely impacted by the proposal. Although no noise impact assessment has been submitted, this has not been requested by the Council's environmental health officers. It is noted that the bar is currently used on occasion for Karaoke, which sees amplified music within the premises, and it would not be legitimate to restrict this as an incidental part of its authorised historic use. The controls related to the door should sufficiently mitigate such a risk. Otherwise potential concerns related to amplified music within the building affecting residents are more appropriately addressed through the Council's powers to investigate noise nuisance and do not therefore require to be addressed by planning condition, other than relating to use of the external area and access doors. There would thus be no undue conflict with policies H2, T5 and related guidance.

### **Matters Raised in Objection**

The former Frederick St primary school to the immediate west is in use as a business centre. Otherwise the beer garden is situated to the rear of the tenement building and within an enclosed courtyard, thus not intervisible with the Hanover Street primary school (some 70m to the south-east and across the four lane Beach Boulevard) or any playparks, so that there would be no potential for children outwith the site to observe activities therein. In any event concerns relating to children observing consumption of alcohol and public health in general (e.g. regulation of consumption of alcohol) are not competent matters to be addressed by the land-use planning system. There is no evidence that the proposal would result in a negative economic impact or conflict with the Council's economic strategy to grow and diversify the regional economy. Rather, the proposal supports the development of a local business.

### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics. In coming to this assessment the Planning Authority has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The beer garden has level / step free access from within the public house in accordance with disability access requirements.

### **RECOMMENDATION**

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Approve Conditionally

### **REASON FOR RECOMMENDATION**

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The proposal is directly related to the existing use of the premises as a public house. Expansion of the business accords with the objective of growing and diversifying the regional economy as set out in Aberdeen City and Shire Strategic Development Plan. It would enhance the vitality and viability of the city centre in accordance with the objectives of Scottish Planning Policy and local plan policy NC1 (City Centre Development – Regional Centre). Subject to imposition of a condition restricting the operating hours of the external area, there would be no insurmountable adverse impact on existing residential amenity enjoyed by the flats immediately above the premises. There would be no undue conflict with policies H2 (Mixed Use Areas), T5 (Noise) and related guidance.

### **CONDITIONS**

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01. The external area hereby approved shall not be used between the hours of 10pm and 10 am the following day. The external area shall not be used unless the external access doors to it, as formed in the rear wall of the premises, are of a self-closing type, so as not to remain open other than when being used for access or egress purposes, and otherwise kept locked shut when the beer garden is not in use. – In order to ensure that the residential amenity of existing residents is not adversely impacted late at night and in order to prevent escape of noise in order to comply with the aspirations of policy H2 (Mixed Use Areas) within the Adopted Local Plan and relevant supplementary guidance regarding Harmony of Uses.
02. The external area hereby approved shall not be used for amplified music / performances. – In order to protect the residential amenity of adjacent occupants.

### **ADVISORY NOTES FOR APPLICANT**

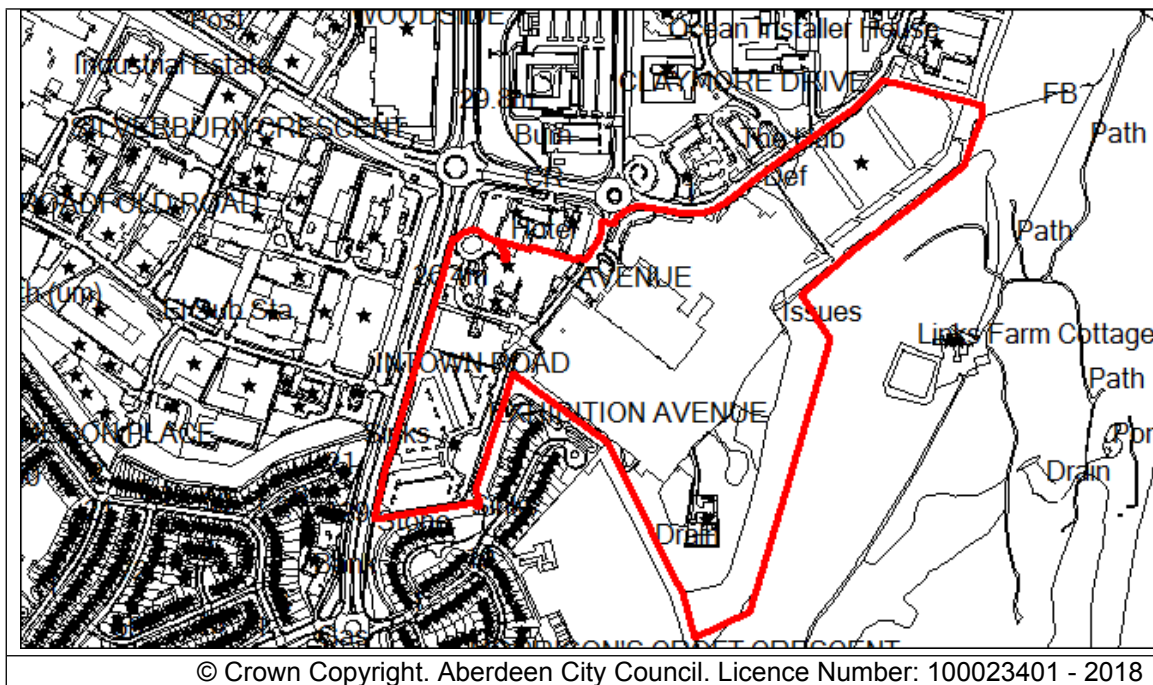
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The applicant is advised of the need for a premises license in relation to use of the external area.

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 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;"><b>Committee Date: 24 May 2018</b></p>
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<b>Site Address:</b>	Aberdeen Exhibition and Conference Centre, Exhibition Avenue, Bridge of Don, Aberdeen AB23 8BL
<b>Application Description:</b>	Proposed demolition of existing buildings and erection of a mixed use development to include (approximately 498) residential units, commercial and business use, recycling centre and park and ride facility.
<b>Application:</b>	150824
<b>Application Type</b>	Planning Permission in Principle
<b>Application Date:</b>	22 May 2015
<b>Applicant:</b>	Henry Boot Developments Ltd.
<b>Ward:</b>	Bridge of Don
<b>Community Council</b>	Bridge of Don
<b>Case Officer:</b>	Lucy Greene



**UPDATED RECOMMENDATION:**

**Approve conditionally with permission to be withheld until a legal agreement is entered into to secure: affordable housing; and developer obligations**

**relating to primary education, community facilities, sports and recreation, healthcare, transportation and open space.**

## **APPLICATION UPDATE**

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Planning Development Management Committee of 10 December 2015 resolved to approve the application subject to conditions, and the securing of affordable housing and developer obligations. This update is due to a change in the developer obligations payable; there is now updated Supplementary Guidance on this resulting in a contribution towards healthcare provision being required.

The full report to the 2015 Committee is attached at the end of this update at Appendix 1.

There has been no change to any matters, other than those noted below:

### **Consultations:**

**Developer Obligations Team** – Affordable housing required. Contributions towards primary education, community facilities, sport and recreation, open space, healthcare and transportation.

(Contributions were previously required in relation to: primary school education, community facilities, sports and recreation, transportation and open space, as well as affordable housing being required.)

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because following adoption of a new Local Development Plan and updated Supplementary Guidance, developer contributions are sought towards healthcare needs created by the development. This was not included within the Committee resolution previously.

## **MATERIAL CONSIDERATIONS**

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### **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 and strategic planning policy.**

Scottish Planning Policy (SPP)

### **Aberdeen Local Development Plan (2017)**

The application was previously assessed in the context of the (then adopted) Local Development Plan 2012, and also the Proposed Aberdeen Local Development Plan (PALDP). The PALDP was the early version of the current adopted Local Development Plan 2017 (LDP), and at that time constituted the Council's settled



view as to what should be in the final adopted LDP. In December 2015, some policies in PALDP were subject to representations and those areas of the plan were to be subject to examination.

The former AECC site was identified as an Opportunity Site (OP13) and was the subject of representations. The outcome of the examination in respect of the site is that wording was added to the OP13 site description. The following description is within the 2017 LDP, with the additional wording that was added underlined:

“Opportunity Site OP13

Redevelopment opportunity for mixed use development with masterplan required. The site will be required to accommodate an expansion of the Park and Choose to 999 spaces and a household waste and recycling centre to replace the facility at Scotstown Road. Any residential elements would need to address school capacity issues in the area. The site may be at risk of flooding. A Flood Risk Assessment will be required in order to assess its suitability for redevelopment. Development should respect the landscape setting and amenity of the course of the Royal Aberdeen Golf Club.”

There were no other relevant changes to PALDP policies that were material to the determination of the application. The policies listed below remain relevant to the determination of the application:

Policy H2 Mixed Use Areas  
Policy NE2 Green Belt  
Policy NE1 Green Space Network (GSN)  
Policy R4 Sites for New Waste Management Facilities  
Policy H1 Residential Areas  
Policy H3 Density  
Policy H4 Housing Mix  
Policy H5 Affordable Housing  
Policy T2 Managing the Transport Impact of Development  
Policy T3 Sustainable and Active Travel  
Policy T4 Air Quality  
Policy NE5 Trees and Woodland  
Policy NE6 Flooding, Drainage and Water Quality  
Policy D2 Landscape  
Policy I1 Infrastructure Delivery and Planning Obligations  
Opportunity Site OP13  
Appendix 1 – Brownfield Sites  
Appendix 4 – Masterplans

### **Supplementary Guidance (SG) and Technical Advice Notes**

Development Framework for Aberdeen Exhibition and Conference Centre (DF)  
Supplementary Guidance: Planning Obligations

The SG on Planning Obligations forms part of the Development Plan and expands upon Policy I1 – Infrastructure Delivery and Planning Obligations.

The current SG includes healthcare provision amongst the deficiencies that may be made worse or created by a new development and therefore is to be considered as part of the assessment of developer obligations. This did not form part of the assessment under the SG in the Local Development Plan 2012.

The assessment in the report at Appendix 1 below remains relevant in all matters other than those described above.

## **EVALUATION**

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No changes to the national and regional policy context in respect of this site.

The matters to be additionally considered in this update report are those related to the changes in policy and supplementary guidance identified above:

### **Landscape setting of the Royal Aberdeen Golf Club course**

This matter is referred to in the wording added to the Opportunity Site description. It is considered that the conditions recommended to be attached to this planning permission and which formed part of the 2015 Committee resolution sufficiently cover this matter. The conditions include requirement for submission of detailed site layout including landscaping planning and layout. The indicative layout plan submitted shows landscaping along the east boundary of the site.

It is considered that the proposal would comply in principle with the OP13 description.

### **Developer Obligations**

The current Supplementary Guidance has resulted in the addition of the requirement for a contribution towards healthcare.

All other developer obligations have been recalculated and revised by the Developer Obligations team to reflect the current situation with regard to infrastructure (education, community facilities etc) serving the proposed development.

The obligations sought would therefore be as follows:

#### **SUMMARY OF OBLIGATIONS**

Affordable Housing	As per policy and Supplementary Guidance requirement
Primary Education <i>(Scotstown Primary)</i>	£455,550.00
Secondary Education <i>(Bridge of Don Academy)</i>	Nil
Community Facilities	£910,593.00
Sport and Recreation	£246,510.00
Healthcare	£509,738.00
Core Path Network	Nil

Strategic Transportation	Advised direct by transport
Local Transportation	Advised direct by transport
Open Space	Provided on site (provision for commuted sum if under provision)
<b>Total</b>	<b>£2,122,391.00</b>

In respect of open space, this would be expected to be provided on site where the application relates to a site of this size. Where this cannot be delivered, then the SG allows for a commuted sum to be paid and this would be covered within the legal agreement.

It is considered that healthcare should be added to the developer contributions required, in accordance with the Supplementary Guidance and Policy I1.

### **RECOMMENDATION**

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**Approve conditionally with permission to be withheld until a legal agreement is entered into to secure: affordable housing; and developer obligations relating to primary education, community facilities, sports and recreation, healthcare, transportation and open space.**

### **REASON FOR RECOMMENDATION**

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This is an application for planning permission in principle and the proposal will be the subject of one or more further applications for the detailed scheme. At this stage it is the principle of the mix of uses that is under consideration. The proposal would accord with Policy H2 Mixed Use Areas in the adopted 2017 Aberdeen Local Development Plan (LDP) as amenity issues are capable of being resolved satisfactorily; the proposal accords with the opportunity site description for OP13, as it includes the household waste and recycling centre, is subject to flood risk assessment and landscaping (high level, but subject to condition); and, it involves residential development on a brownfield site, as identified for this particular site LDP.

The specific subject policies, in the adopted Local Development Plan, including the following: Policy NE1 Green Space Network, Policy NE2 Green Belt, Policy D2 Landscape, Policy H1 Residential Areas, Policy NE5 Trees and Woodland, Policy NE6 Flooding and Drainage and other policies relating to travel and transportation are not offended, with the attachment of conditions to require detailed assessment at a later stage, and mitigation measures. It is therefore concluded is acceptable, subject to the provision of affordable housing and developer contributions, in order to provide for its impact on education provision, community facilities, healthcare, sports and recreation facilities, open space and the road network.

## CONDITIONS

(1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' application - in order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice.

(2) No development in connection with each respective phase/block of the planning permission hereby approved shall take place until full details of the siting, design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant phase/block of development have been submitted to and approved in writing by the Planning Authority. The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. Depending on the phase/block, and unless otherwise agreed in writing with the planning authority, the MSC applications shall include:

a) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant phase/block of development;

b) A detailed Drainage Plan for the relevant phase/block of development, including full details of the proposed means of disposal of surface water from the relevant phase/block of development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;

c) Full details of the connection to the existing Scottish Water foul water drainage network for the relevant phase/block of development;

d) Details of all cut and fill operations in the relevant phase/block of the development;

e) The details of all roads, footpaths and cycleways throughout the relevant phase/block of the development;

f) Details of any screen walls/fencing to be provided within the relevant phase/block of the development;

g) Details of all landscaping, planting and screening associated with the relevant phase/block of the development;

- h) Full details of the layout, siting, design and finish of all residential properties, throughout the relevant phase/block of development;
- i) Full details of the layout, siting, design and finish of all non-residential properties throughout the relevant phase/block of development. This shall include but is not limited to: commercial premises, the Park and Choose, household waste and recycling centre (HWRC), local scale retail units; and,
- j) Full details of all waste/recycling collection points, for residential and non-residential properties;

- In order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(3) The landscaping details to be submitted pursuant to Condition 2 above shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point;
- b) Existing landscape features and vegetation to be retained. Tree survey, including layout plan showing proposed development together existing trees;
- c) Existing and proposed services including cables, pipelines and substations;
- d) The location of new trees, shrubs, hedges, grassed areas and water features;
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A Biodiversity Action Plan;
- i) A Management Plan detailing appropriate management measures for all watercourse buffer strips;
- j) A programme for the completion and subsequent maintenance of the proposed landscaping.

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

(4) That the development shall not be brought into use and no residential units shall be occupied unless there has been implemented on site the works detailed below, in accordance with details submitted to and approved in writing by, the planning authority, unless otherwise agreed in writing with the planning authority. The works are:

- a) A shared use path alongside the frontage of the proposed site on Ellon Road;
- b) The repositioning of existing pedestrian crossing facilities on Ellon Road and their upgrading to include toucan crossing facilities (to provide linkage to the northbound bus stop on Ellon Road).
- c) Provision of dropped kerb crossing facility on Exploration Drive in the vicinity of the pedestrian access junction.
- d) Upgrading of existing bus stop infrastructure and the provision of dedicated bus layby.
- e) Provision of bus stops located at internal site on Exhibition Drive.
- f) Relocating of existing bus stop outside AECC (on Ellon Road) to a layby close to the Park and Choose, timing of this shall coincide with the relocation of the pedestrian crossing;
- g) Bus stops on the northern section of the upgraded Exhibition Avenue;
- h) Layout of the footpaths within the site to provide linkage with the existing path leading through to King Roberts Way to the south west of the application site.

- In the interest of road safety and connectivity.

(5) That no residential units shall be occupied unless there has been submitted, to and approved in writing by the planning authority, details identifying safe routes to schools within the proposed development. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school. No residential units shall be occupied unless the works have been implemented on site including the works detailed below, unless otherwise agreed in writing with the planning authority. The works are in relation to providing safer routes to school and include the following:

1. Drop Kerb facilities with tactile paving at North Donside Road/ Broadfold Drive Junction
2. Drop Kerb facilities with tactile paving at North Donside Road/ Gordon Road Junction
3. Tactile pavers should be installed on pedestrian crossing link to Fraserfield Gardens.
4. A crossing point on Scotstown Road to allow safe crossing point from Fraserfield Gardens.

-in the interests of road safety and encouraging walking.

(6) that the existing Park and Ride service shall be retained on site and operational during the construction period on the wider application site, unless otherwise agreed in writing with the planning authority – in the interests of continuity of public transport provision.

(7) No part of the development shall be occupied prior to the Aberdeen Western Peripheral Route being open to traffic, and the consequent removal of trunk road status for the A90 Parkway / Ellon Road. - To restrict the scale of the development in order to minimise the interference with the safety and free flow of traffic on the trunk road.

(8) No part of the development shall be occupied until a comprehensive Travel Plan

for that part of the development that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.- To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

(9) That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority, a Framework Travel Plan, setting out proposals for reducing dependency on the private car. – in the interests of reducing travel by private car.

(10) No more than 498 residential dwellings and 2400sq.m. of office space, or other such development combination of equivalent traffic generating uses as demonstrated to the satisfaction of the Planning Authority shall be occupied unless the mitigation scheme for the A90(T) Parkway/ Ellon Road roundabout, generally in accordance with AECOM drawing number SKE001 (November 2015) has been implemented unless otherwise agreed in writing with the planning authority- in the interests of road safety.

(15) That no dwellings shall be occupied until such time as a public transport strategy, including proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased implementation of the strategy, have been submitted to and approved by the Planning Authority. Thereafter the agreed strategy shall be implemented in full in accordance with such a scheme, unless otherwise agreed in writing with the Planning Authority - in the interests of encouraging the use of public transport.

(10) That no development shall take place unless there has been submitted to and approved in writing by, the planning authority in consultation with SEPA prior to any works on site:

- The hydraulic model is re-run to incorporate an allowance for Climate Change as part of the sensitivity analysis
- Consideration is made of the flood events which have been documented at the Park and Ride car park on the site, by Aberdeen City Council in their 4<sup>th</sup> and 5<sup>th</sup> Biennial Flood Reports.
- No development will be permissible within the 1 in 200 year flood plain outline. With the present information provided this is defined in Figure 11 of the Flood Risk Assessment for Planning Application in Principle, dated 12 October 2015, by Kaya Consulting Ltd for Goodson Associates.
- In regard to the proposed opening up of a culvert on the site - detailed modelling of the new channel is provided.

- to protect people and property from flood risk in accordance with Scottish Planning

Policy.

(11) Prior to commencement of any work in any phase of the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA [and SNH or other agencies as appropriate]. This shall include:

Confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development.

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

- to protect and improve the water environment.

(12) that no development in any individual phase/block shall take place unless a scheme detailing levels of sustainable drainage (SUDS) surface water treatment has been submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

- to ensure adequate protection of the water environment from surface water run-off.

(13) No development shall take place on site in each independent phase/block pursuant to this planning permission unless a site specific Construction Environmental Method Plan (CEMP) has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. 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 necessary demolition and construction works on the environment.

(14) The details to be submitted pursuant to Condition 2 for each respective phase of the development shall show the proposed means of disposal of foul and surface water from the relevant phase of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, the development shall connect to the public sewer and the relevant phase of the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details



required shall also include details of the future long term maintenance of the system covering matters such as:

- a) Inspection regime relating to matters such as outlets/inlets;
  - b) Frequency and method of cleaning of filter trenches, removal of silt etc.;
  - c) Grass cutting (and weeding) regime for swales;
  - d) Means of access for future maintenance;
  - e) How to ensure that planting will not be undertaken over perforated pipes;
  - f) Details of the contact parties for future factoring/maintenance of the scheme;
- to protect the water environment and help reduce flooding.

(15) Prior to the commencement of any phase of development, as identified in the approved phasing plan required by condition 1, for each respective phase full details of the proposed street design for each block, which shall contain, but not be limited to, a parking strategy, road junctions and visibility splays, cycleway provision, gradients, level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the Planning Authority in consultation with the Roads Authority. The development shall be carried out in complete accordance with such a plan and buildings shall not be occupied unless the streets and parking areas for the respective block are complete and available for use - in the interests of road safety.

(16) No development shall take place until an assessment of emissions to air from road traffic associated with the whole development has been submitted to and approved in writing by the planning authority. The assessment shall be undertaken in accordance with a method approved by Council's Environmental Health Service and take into account additional traffic associated with other consented or proposed developments in the area, including the 3<sup>rd</sup> Don Crossing and Aberdeen Western Peripheral Route. Where the development is assessed as having an adverse impact on local air quality mitigation measures shall be specified in the report. The approved mitigation measures shall thereafter be implemented in accordance with a timetable agreed with the planning authority. Reason – in order to mitigate the impact of road traffic associated with the development on local air quality.

(17) Prior to the occupancy of each block, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the agreed parking strategy in accordance with the Council's Car Parking Standards, unless otherwise agreed in writing with the planning authority - in the interests of road safety.

(18) No development in any particular phase of the development hereby approved shall take place unless surveys for protected species (red squirrel / bats /badgers) for that phase have been carried out and submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place within the relevant phase of the development unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the Planning Authority. No development shall take place within the relevant phase unless the mitigation measures which have been agreed in writing by the Planning Authority are carried out in accordance with the agreed scheme - to ensure the protection of protected

species.

(19) No development shall take place within any individual block until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publications.

(20) that no development within any individual phase/block shall not 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, 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'.

(21) that no development in any individual phase/block shall take place unless a plan showing those trees to be removed and those to be retained and 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.

(22) 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) in any individual phase/block 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.

(23) that there shall be no development involving hard surfaces or buildings within the area of the application site zoned as green belt under Policy NE2 of the adopted Local Development Plan 2012. No development or works shall take unless details have been submitted to and approved in writing by the planning authority – in the interests of the green belt and landscape areas setting of adjacent areas.

(24) That any overlap in operation of the existing AECC and the proposed facility at Rowett North (including event testing) shall be implemented only in accordance with an operational and transportation statement to be agreed in writing with the planning authority – in the interests of ensuring that there is no detrimental impact on the capacity of the road network

## INFORMATIVE 1

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

that the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection, of 5 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the development.

The provisions of section 59(2) shall therefore be read as follows:

1) that this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle in respect of phase 1 (as defined in terms of condition 1) has been made before whichever is the latest of the following:

(i) the expiration of 5 years from the date of this grant of planning permission in Principle;

(ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

2) that this planning permission in principle shall lapse unless a further application or applications for the requisite approval of the matters specified in all condition(s) attached to this grant of planning permission in principle in respect of each phase subsequent to phase 1 (as defined in terms of condition 1) has been made before whichever is the latest of the following:

(i) the expiration of 3 years from the date of the last grant of requisite approval for the previous phase;

(ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions for the phase in question was refused;

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3) that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions on the final phase (as defined in condition 1 of this permission) being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development of the final phase to which the permission relates is begun before that expiration – pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

## INFORMATIVE 2:

For the avoidance of doubt, the term 'phase' within any condition shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

**INFORMATIVE 3.**

Unless otherwise agreed in writing with the Planning Authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

**INFORMATIVE 4**

It is advisable that the developer contact the Council's Waste Aware Team to discuss the appropriate waste storage and uplift arrangements for the residential developments.

**INFORMATIVE 5**

The applicant is advised that should any contamination of the ground be discovered during development the Planning Authority should be notified. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority. This is in order to ensure that the site is suitable for use and fit for human occupation

## Appendix 1: Planning Development Management Committee

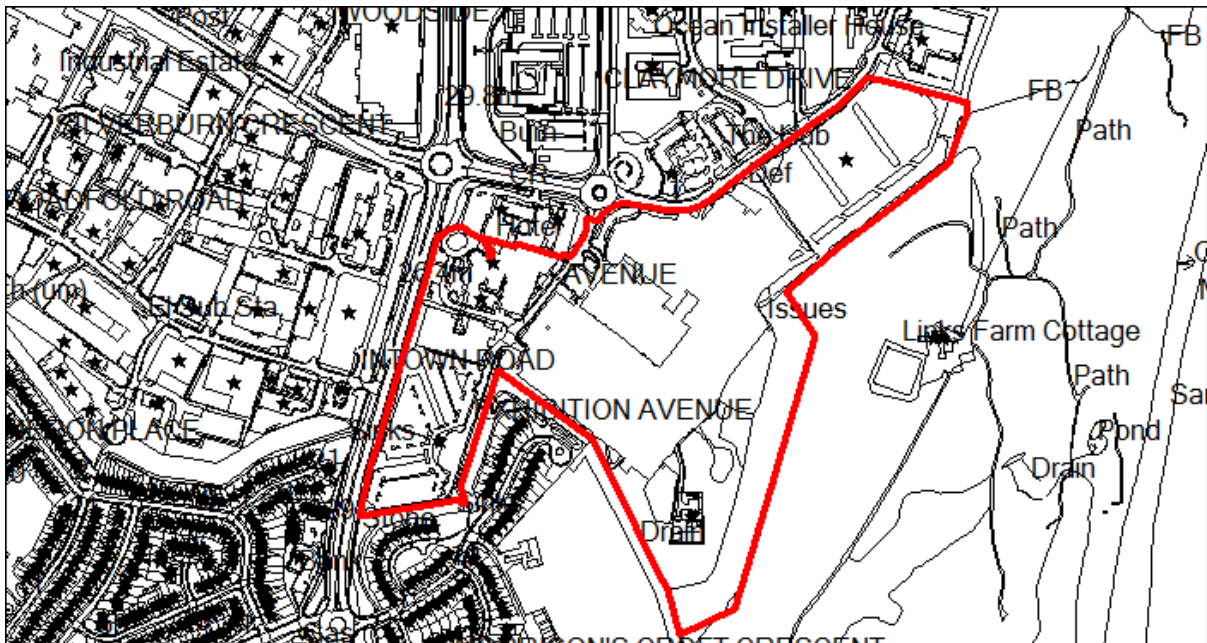
ABERDEEN EXHIBITION AND CONFERENCE CENTRE, EXHIBITION AVENUE, BRIDGE OF DON

PROPOSED DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A MIXED USE DEVELOPMENT TO INCLUDE (APPROXIMATELY 498) RESIDENTIAL UNITS, COMMERCIAL AND BUSINESS USE, RECYCLING CENTRE AND PARK AND RIDE FACILITY.

For: Henry Boot Developments Ltd.

Application Type : Planning Permission in Principle  
Application Ref. : P150824  
Application Date: 22/05/2015  
Officer: Lucy Greene  
Ward : Bridge of Don (M Jaffrey/J Reynolds/S Stuart/W Young)

Advert : Dev. Plan Departure  
Advertised on: 10/06/2015  
Committee Date: 10/12/2015  
Community Council : no comments



### RECOMMENDATION:

Approve conditionally, with permission to be withheld pending suitable arrangements being in place to facilitate the securing of: affordable housing; and developer obligations relating to primary education, community facilities, sports and recreation, transportation (including travel plan), Strategic Transport Fund, and open space

## **DESCRIPTION**

The application site is approximately 16.65 hectares, lying in the north east of Aberdeen, approximately 5 miles from the city centre. Currently occupied by the Aberdeen Exhibition and Conference Centre and associated car parking, the 'Park and Choose' site, a satellite communications centre, and areas of plantation and self seeded planting, including tree belts, mainly around the site boundaries.

The site is bounded to the west by the Ellon Road (A90) trunk road, a dual carriageway; a residential area to the south; the Royal Aberdeen Golf Course to the east, and beyond, the North Sea; Exploration Drive and Parkway East provide access to the northern end; to the northwest are two existing hotels (on the south east side of the Parkway / Ellon Road roundabout); also to the north is the Aberdeen Science and Energy Park.

The western portion is more elevated and uneven than the east. There are two watercourses that cross the site, these run north to south (the Silver Burn) and northeast to southwest; both are presently culverted.

## **RELEVANT HISTORY**

The AECC opened in 1985 and is to be replaced by a new exhibition centre at Rowett North.

## **PROPOSAL**

The application is for planning permission in principle for a development of approximately 498 residential units, commercial and businesses uses, a household waste and recycling centre (HWRC), an enlarged 'Park and Choose' (c.999 spaces). Development would follow the erection of a new Exhibition Centre at Rowett North, Bucksburn and the planning application for that development is reported elsewhere on this agenda.

The Council provided a statement about the HWRC site emphasising the need to replace the existing facility in Bridge of Don, which is too small and no longer fit for purpose. There has been great difficulty experienced over a number of years to deliver this key priority of the City Waste Strategy. A similar facility to that at Hazlehead is proposed.

An indicative layout plan has been submitted and this shows a layout including the enlarged 'Park and Choose' on the site of the existing (a two storey structure would be required), business use to the north, the HWRC in the north east corner and residential uses across most of the remainder. The indicative layout shows existing areas of trees, that act as buffers around the site boundaries remaining, together with a large group of sycamore and wych elm within an area of green belt adjacent to the eastern boundary towards the southern end. Also shown is a realigning of the existing road that currently leads to the Exhibition Centre and Balgownie One.

The submissions include agreement to provide 25% of the residential units as affordable housing.

## **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150824>

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

The supporting documents are:

- Planning Statement by Ryden, dated May 2015
- Design and Access Statement by Cooper Cromar, dated May 2015
- Extended Phase 1 Habitat Survey by Wild Surveys Ltd, dated May 2015
- Tree Survey Report (Revision B) by Brindley Associates
- Pre-application Consultation Report by Streets – UK, dated May 2015
- Drainage Strategy Plan, by Goodson Associates, dated May 2015
- Transportation Assessment by AECOM, dated May 2015
- Noise survey and assessment by Sandy Brown, dated April 2015
- Air Quality Assessment by ARUP, dated May 2015
- Landscape Statement by Hirst Landscape Architects, dated May 2015

## **PRE-APPLICATION CONSULTATION**

The proposed development was the subject of pre-application consultation between April 2014 and April 2015 between the applicant and the local community, as required for 'major' developments. The consultation (joint consultation on the proposals for the exhibition centre and for the future of the site that is the subject of this application) involved:

- a) Consultation Exhibitions in three locations on consecutive days in May 2014; a further three similar exhibitions were held in September 2014; and, a further two in March 2015. All were subject to the following:
- b) Publicity for the exhibitions included adverts in the Press and Journal, letters to individuals and organisations and posters in local libraries and shops;
- c) Postcard invitations to 20,000 residents, including 10,000 in Bridge of Don;
- d) Press releases and media coverage;
- e) Electronic invitations to the exhibitions to all AECC customers on the database;
- f) A website was set up: [www.aeccevolves.co.uk](http://www.aeccevolves.co.uk)

A total of over 4000 visits were made to the exhibitions and over 500 written responses received.

As a result of the consultation, the proposal was altered to include the HWRC, with a resultant reduction in housing numbers. Road infrastructure was the main concern raised, as well as public transport provision and whether the Transportation Assessment covers the possible range of uses. The provision of adequate amenities such as schools was also raised. More recreation / open space was also commented on and requested by respondees.

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee because it is a major development that was deemed to be a departure from the development plan. Accordingly, the application falls outwith the scope of the

Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Development Management** – Expect that there would be a planning condition requiring the new exhibition centre to be operational prior to the existing centre being demolished; the internal street pattern would be designed in accordance with Designing Streets and would be audited at the time of a detailed planning application.

A Transport Assessment (TA) has been prepared for the site and the following infrastructure has been identified:

- Implementation of a shared use path alongside the frontage with Ellon Road;
- Existing pedestrian crossing facilities on Ellon Road would be repositioned and upgraded to include toucan crossing facilities. This would provide linkage to the northbound bus stop on Ellon Road;
- Provision of a dropped kerb crossing facility on Exploration Drive;
- Upgrading of existing bus stop facilities and provision of dedicated bus lay-by;
- Provision of bus stops on Exploration Drive; and
- Provision of footways alongside the realigned Exhibition Avenue and on the proposed residential access, to provide connectivity to Exploration Drive.

In respect of bus stops, the following works have been identified in the TA:

- The existing bus stop located at front of the AECC would be relocated to a dedicated layby located immediately adjacent to the proposed park and ride facility;
- The relocation of the bus stop mentioned above would be undertaken at the same time as the relocation of puffin crossing facilities; and
- Additional bus stops will be installed on the northern section of upgraded Exhibition Avenue.

Works to provide safer routes to school should be required by condition, these would be off site works related to road crossings.

Conditions would be required in relation to the provision of the works detailed above.

Junction modelling work has been carried out on the A90 Ellon Road / Parkway junction and mitigation has been proposed in the form of a developer contribution towards required works.

A public transport strategy for the site would be required by condition. This would take account of all bus services along Ellon Road, as well as those serving the Park and Choose.

It is noted that parking for cars, cycles and motorcycle would be proposed in accordance with the adopted parking standards.

Designs of junction layouts off Exploration Drive would need to be the subject of conditions.

It is noted that the internal site layout would be developed in accordance with Designing Streets and this would be the subject of conditions and further applications, including details of how refuse vehicles would move and operate within the development.

A framework travel plan has been submitted and this would be the subject of further



applications and / or conditions, as well as the subject of legal agreement to ensure that the measures contained therein, are implemented.

Drainage Impact Assessment should be required by condition.

Strategic Transport Fund contribution would be required.

**Transport Scotland** – Do not object, subject to conditions being attached, relating to: no occupation of the development prior to the Aberdeen Western Peripheral Route being open to traffic and consequent removal of truck road status for the A90 Parkway / Ellon Road; and, submission of a Travel Plan.

**Environmental Health** - the development can proceed without causing an unacceptable air quality impact. A detailed assessment will be required to predict impacts at receptors and potential mitigation. As the sufficient detail is not available at PPiP stage, based on the more recent monitoring results in the area and the general trend across the city, EH are agreeable to the determination without the detailed assessment. It is assumed that the traffic data takes account of already permitted developments, including the 3<sup>rd</sup> Don Crossing.

Condition is recommended to require detailed air quality assessment to take place and any mitigation measures recommended to be implemented.

An informative is recommended in relation to any contaminated land that may be discovered in the course of the development.

**Developer Contributions Team** – Contributions are required in relation to: primary school education, community facilities, sports and recreation, transportation and open space.

**Communities, Housing and Infrastructure (Flooding)** - As the Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) are written in support of a Planning Application in Principle, it is requested that conditions requires a detailed FRA and DIA.

**Education, Culture & Sport (Archaeology)** Requests attachment of a condition requiring archaeological works and recording prior to development taking place.

**Scottish Environment Protection Agency** – Finalised Flood Risk Assessment (FRA) has been submitted and a further FRA should be submitted at the detailed stage. Condition required in this respect.

**Scottish Natural Heritage** - Welcome the undertaking to include increased water efficiency measures and that this should be included within the Sustainability Statement. Water abstraction is an important issue within Aberdeen as most of the city's water is drawn from the River Dee SAC.

Opening up the Silver Burn culvert will allow the creation of a wildlife and green space corridor running through the development. SNH suggests that other green spaces link to this and the existing tree belts to the south and west of the site.

**Police Scotland** – Makes recommendations as to design principles in relation to reducing crime. Recommends that the applicant keeps in contact with the Architectural Liaison Officer at each stage of design.

**Community Council** – No comments received.

## **REPRESENTATIONS**

Four letters of representation have been received. The objections raised relate to the following matters –

- a) That Aberdeen Energy and Innovation Park (AEP) should have been notified as a neighbour and that a representation has been made in relation to the application site, to the Aberdeen Local Development Plan Proposed Plan.
- b) It is considered premature to consider the planning application prior to finalisation of the Development Framework (DF). Although the accompanying Planning Statement states that the DF was approved as Interim Supplementary Guidance, it was actually approved for consultation. Therefore the timing of submission of this planning application undermines the DF process. The timing of the submission is confusing and limits the applicant's ability to reflect feedback from the DF.
- c) Whilst there is support for the principle of residential use at the site, there are strong reservations about the incorporation of the HWRC to replace the Scotstown Road facility. This is due to the potential amenity impact, including on the golf course.
- d) Do not wish to see a recycling centre located on the AECC site and consider that if the facility is required it would be better located centrally within Bridge of Don. Notwithstanding that, the objector would prefer the HWRC to be located adjacent to Ellon Road, though it is acknowledged that the layout is indicative only.
- e) It is noted that the current LDP 2012 identifies the Denmore Road site for the HWRC however, this has not been delivered and the Council intend to delete this site. It is noted that the Main Issues Report identifies the Bridge of Don site for a HWRC, however, the application does not seek to qualify the nature of the waste recycling centre, its scale nor indeed any environmental effect potentially prejudicing and undermining the significant investment on nearby high amenity business and industrial development sites. Specifically, there are no details of measures to be taken to monitor vermin, insects, noise, dust, spillages, odours, mud, litter and fires. There is the potential to adversely affect the existing business and industry allocations. It is therefore suggested that the Council should formally request information as to the nature and extent of the proposed HWRC use.
- f) Detailed comments on the Transportation Assessment (TA), including trip rates, peak hours, reduction for the existing use on the site, claims relating to impact on the A90 Parkway roundabout are challenged, reliance on the future delivery of 'committed' improvements by others and there are queries about the public transport accessibility. It is trusted that the Council's Roads Team will comment on these matters.
- g) Although the TA states that development can be accommodated on both the existing network and on that which will be constructed as a result of other developments, the results in the report contradict that. Further, it is considered reasonable that the application/ development pay its fair share towards mitigation on the local network, especially where the TA is reporting junctions operating well above capacity.
- h) The Royal Aberdeen Golf Club states that the car parks on the application site are used during major golf tournaments, with the application area also used as a main access route into the golf course for associated spectators.
- i) The Golf Club has hosted several competitions in recent years and this has

generated thousands of pounds for the local economy. The proposal may well hamper the ability of the golf club to host future events, due to the loss of parking area and access into the site.

- j) Maximising the development value of the site is understandable, however, the longer term benefits of hosting major sporting events should also be assessed.
- k) Plans show little or no landscaping along the eastern boundary at the northern end. Retention of the woodland boundary to the south is supported and a more substantial boundary should be created along the entire eastern boundary. The Murcar Development Framework stipulated a 20metre wide buffer strip and this would be a suitable guide for the golf course. It is stated that these comments were also made in the consultation on the Development Framework.

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Policy (SPP)

As a Policy Principle, the SPP introduces a presumption in favour of development that contributes to sustainable development.

Paragraph 29 states that decisions should be guided by principles, including:

- Supporting delivery of accessible housing, business, retailing and leisure development.

In the paragraphs relating to Development Management and the status of the development plans, the SPP states:

“The presumption in favour of sustainable development does not change the statutory status

of the development plan as the starting point for decision-making. Proposals that accord with

up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

Where relevant policies in a development plan are out-of-date or the plan does not contain

policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

Where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.”

## **Aberdeen City and Shire Strategic Development Plan 2014 (SDP)**

At paragraph 3.5, the SDP strategy focuses development in places where there are clear opportunities to encourage people to use public transport.

The sustainable mixed communities objective advocates priority being given to development on brownfield sites. The target within this objective is for 40% of all new housing in Aberdeen City to be on brownfield sites.

## **Aberdeen Local Development Plan**

### Policy BI2 - Specialist Employment Area

In areas that are identified as Specialist Employment Areas, only Class 4 Business uses shall be permitted. The exception being, proposals at the Aberdeen Science and Energy Park for a mix of Class 4 Business and Class 5 General Industrial which will be considered on their merits. The Aberdeen Exhibition and Conference Centre is reserved for exhibition centre purposes and uses compatible with the exhibition centre and the park & ride.

### Policy NE2 – Green Belt

No development will be permitted in the Green Belt other than for specified purposes, including those essential for agriculture, woodland and forestry; and recreational uses compatible with an agricultural or natural setting.

### Policy NE1 – Green Space Network (GSN)

This policy seeks the protection, promotion and enhancement of the wildlife, recreational, landscape and access value of the GSN. Proposals likely to erode the character of the GSN will not be accepted.

### Policy H1 – Residential Areas

Within new residential areas, proposals will be permitted subject to various criteria, including :

1. Whether the proposal constitutes over development;
2. Impact on character and amenity of the surrounding area;
3. Whether there would be loss of open space;

### Policy H3 – Density

On sites over one hectare, there must be a density of over 30 dwellings per hectare.

### Policy H4 – Housing Mix

Developments of more than 50 dwellings must contain an appropriate mix of dwelling types and sizes.

### Policy H5 – Affordable Housing

Housing development of more than five units must contribute at least 25% of the total number of units as affordable housing.

### Policy NE5 – Trees and Woodlands

There is a presumption against development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity. Appropriate measures should be taken to protect trees during and after construction, with buildings and services being sited so as to minimise adverse impacts.

### Policy NE6 – Flooding and Drainage

Development will not be permitted in various circumstances, including: if it would increase the risk of flooding, or be at risk of flooding itself. Flood Risk Assessment (FRA) to be required, as well as Drainage Impact Assessment (DIA).

Policy NE10 – Air Quality

Where air quality may be affected by developments mitigation measures will be required.

Policy I1 – Infrastructure Delivery and Developer Contributions

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Policy T2 – Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review.

Policy D3 - Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order - walking, cycling, public transport, car and other motorised vehicles. Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

Policy D6 - Landscape

Development will not be acceptable unless it avoids:

1. significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it;
2. obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
3. disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
4. sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide

opportunities for countryside activities.

Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

### **Proposed Aberdeen Local Development Plan (PALDP)**

The application site is zoned in the PALDP under Policy H2 'Mixed use' and identified as an Opportunity Site. Part of the site is also zoned under Greenbelt Policy NE2 and Policy NE1 Green Space Network.

#### Policy H2 Mixed use Areas

Applications must take into account the existing uses and character of the surrounding area and avoid undue conflict with adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. Where new industrial, business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.

#### Policy NE2 Green Belt

No development will be permitted in the Green Belt other than for various purposes, including those essential for agriculture, woodland and forestry; and recreational uses compatible with an agricultural or natural setting.

#### Policy NE1 Green Space Network (GSN)

The policy protects, promotes and enhances the wildlife, access, recreation, ecosystem services and landscape value of the GSN and is similar to policy in the extant LDP.

#### Policy R4 Sites for New Waste Management Facilities

Aberdeen Exhibition and Conference Centre site (part) at Bridge of Don (OP13) is cited as being safeguarded for a household waste recycling centre to replace the facility currently on Scotstown Road.

#### Opportunity Site OP13

Redevelopment opportunity for mixed use development with masterplan required. The site will be required to accommodate an expansion of the Park and Choose to 999 spaces and a household waste and recycling centre to replace the facility at Scotstown road. Any residential elements would need to address school capacity issues in the area. The site may be at risk of flooding. A Flood Risk Assessment will be required in order to assess its suitability for redevelopment.

#### Appendix 1 – Brownfield Sites

The application site is listed as one of the brownfield sites with potential for housing / planning consents from the Brownfield Potential Study 2014. It is listed as being 13.15 hectares and part identified for housing.

#### Appendix 4 – Masterplans

Lists 'Existing AECC Site at Bridge of Don (OP13) as one of the new masterplans and / or Development Frameworks that will be adopted as Supplementary Guidance.

The following policies are similar to those in the adopted LDP in relation to their application to this application site:

- Policy H1 Residential Areas
- Policy H3 Density
- Policy H4 Housing Mix
- Policy H5 Affordable Housing
- Policy T2 Managing the Transport Impact of Development
- Policy T3 Sustainable and Active Travel
- Policy T4 Air Quality
- Policy NE5 Trees and Woodland
- Policy NE6 Flooding, Drainage and Water Quality
- Policy D2 Landscape
- Policy I1 Infrastructure Delivery and Planning Obligations

## Supplementary Guidance

### Development Framework for Aberdeen Exhibition and Conference Centre (DF)

The Development Framework has been agreed by the Communities, Housing and Infrastructure (27<sup>th</sup> October 2015) and has the status of interim planning advice. Following adoption of the LDP this will be sent to the Scottish Ministers with the aim of being adopted as Supplementary Guidance. The DF has been subject to a consultation process and it is a material consideration in the determination of the application.

Based on background site analysis, the development framework outlines three options. These include residential units, commercial / business use, extended Park and Ride (999 spaces over two storeys) and the household waste and recycling site. The framework states that discussions are on-going to determine the most suitable mix. The framework identifies the need for landscaped buffer zones between the waste and recycling site and golf course, and residential use.

The development framework contains design principles for the site based on Designing Streets principles and taking into account site specific factors. These include consideration of building types, heights, layout and strategic landscaping.

Options for phasing of the site are also identified within the framework.

## EVALUATION

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

The application was advertised as a departure to the development plan, specifically to the zoning policy BI2 – Specialist Employment Areas.

The development plan consists of the Strategic Development and the adopted LDP. The emerging LDP is a material consideration. In the case of this site, the LDP zoning policy in the emerging LDP is different to that in the adopted LDP, it is therefore particularly important to consider the weight to be attached to the emerging LDP:

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and is regarded as an unresolved issue to be determined at the Examination, and
- the relevance of these matters to the application under consideration

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis.

There are three submissions in respect of this site, therefore this site will be subject to Examination by the Reporter. Two of the submissions were from business and one from the Royal Aberdeen Golf Club. All objections related to the recycling centre with all three questioning the appropriateness of its location with regard to impact on the business park and the golf course. The golf course also questioned the loss of carparking and as such were the only party to question the overall development of the site.

The following is a summary of the representations made in respect of the Proposed LDP:

**OP13 Aberdeen Exhibition and Conference Centre (AECC), Bridge of Don**

Proposed recycling facility should be located more centrally to serve the whole community and reduce the need to travel. Suggests Grandhome as a suitable location (close to eastern edge). If considered acceptable at OP13 then high standards of landscaping and amenity (which apply to the Energy Park) must be applied regardless of where it is located.

Does not support the formation of a recycling centre in this location. Concern raised regarding the proposed location of the recycling centre being adjacent to the 14th hole of Royal Aberdeen Golf Course. Setting and amenity of golf course should be protected. Support retention of existing woodland buffer along southern half of the eastern boundary - request more substantial strategic landscape belt. Concern regarding loss of public parking as a result of developing the site and the impact this may have on attracting high profile golf tournaments.

Strong reservations in respect of inclusion of a household waste recycling centre within the site. Limited reference to potential amenity impacts of the inclusion of the facility. Proposed Plan does not qualify the nature of the waste recycling centre, its scale, or any environmental effect potentially prejudicing and undermining significant investment on nearby high amenity business and industrial development sites.

While statements will likely be made within any planning application submission regarding regulatory guidance and pollution control, it is not considered appropriate to allocate a site for this use if there has been no assessment.



The following modifications are sought by the submitted representations:

- Consequential changes to Policy R4 and Appendix 2: Opportunity Sites, due to requested removal of reference to a household recycling centre being located at OP13 (AECC site) and replace with OP9 Grandhome.
- Deletion of household waste recycling centre from the allocation. If this is not favoured then under the "Other Factors" section in Appendix 2 include text: "The Household Waste Recycling Centre shall be sited to ensure that no adverse impact on the amenity of the neighbouring golf course arises" and "A strategic landscaping belt at least 20 metres in width shall be planted along the eastern boundary of the development."
- Remove reference to OP13 being appropriate for waste recycling centre (to replace facility at Scotstown Road) and make more explicit reference to the nature and appropriateness of any such uses across the site being determined/guided by the Development Framework. This process may determine that other sites are more appropriate for such development.

### Proposed Uses

The application is for Planning Permission in Principle (PPiP) for a development to include approximately 498 residential units, business / commercial uses (Class 4), household waste and recycling centre (replacement for the Scotstown Road facility) and the enlarged park and ride facility.

Zoning policy in the adopted LDP is Policy BI2 – Specialist Employment Area. The proposed uses, other than business use, do not therefore, comply with this policy.

There are several material considerations to be taken into account in considering the proposed uses on the site:

- a) Committee will be aware that the existing exhibition centre (existing AECC) is proposed to be demolished following the erection of a new exhibition centre and associated facilities that is the subject of a report on the agenda for this committee.
- b) Development plan policy, including the objective relating to sustainable mixed communities prioritises residential development on brownfield sites,
- c) The site is zoned within the proposed LDP under Policy H2 – Mixed Use Areas. This policy allows for residential and business uses providing that issues relating to amenity are satisfactory (these are dealt with below).
- d) A Development Framework for the site has been agreed. This has been the subject of a consultation exercise and contains options that include the uses proposed under this current application.

It is therefore considered that, in principle, although the proposed uses do not comply with the zoning policy in the adopted LDP, there are material considerations that outweigh this and taking into account the overall picture, the proposal does not run counter to the development plan strategy.

The proposed HWRC would accord with proposed LDP Policy R4: Sites for New Waste Management Facilities, which safeguards part of the application site for such a use, to replace the Scotstown Road facility. As noted above this policy is subject to objection

to the proposed LDP in respect of the application site. The representation also notes the need for a substantial buffer between the HWRC and surrounding uses, if it were to be located at the application site.

In terms of the policies relating to residential use, the following is noted:

- The indicative layout accords with the Development Framework and does not constitute over development. However, an assessment of this matter would be made on the detailed layout submitted as part of a future application. The proposal accords with the Development Framework, which was itself based on an assessment of the site characteristics, including open space and areas of landscape and planting. Areas of landscape value are indicated as being retained, but would be subject to detailed design and assessment as part of future applications.
- The proposals comply in principle with the Development Framework which proposes densities in line with Policy H3.
- Impact on amenity and character of the surrounding area is dealt with below;
- There is a mix of housing types and sizes within the site, although the precise mix would be the subject of further applications and assessments.
- Affordable housing is proposed on site, in accordance with policy. Again, this would be subjected to detailed assessment as part of future applications.

#### Amenity

The proposed LDP zoning policy requires that an adequate level of amenity is capable of being achieved for the residential use, whilst for business and commercial uses, the development should not adversely affect the amenity of people and working in the area. The application site is surrounded by a mix of uses, including the heavily trafficked A90/Ellon Road, existing residential uses to the south, green belt and open space, office and workshop uses within the specialist employment area.

The development framework identified options for the development of the site for a mix of uses, as proposed in this PPI application. The indicative plans submitted, show how the uses might be accommodated on the site and the layout matches one of the options within the DF.

The layout shown is indicative only, however, the following are noted in terms of amenity:

- Indicative plans show that the Park and Ride in its current location albeit increased in size. Areas of existing trees and landscaping create a buffer between this and the existing housing to the south, as well as the proposed housing;
- It would be possible to provide a degree of separation between the proposed business use and the existing hotels, and the proposed residential uses, as the non-residential uses could be accommodated within the western area of the site, closer to the A90;
- The household waste and recycling site shown on the indicative plans is based on a facility of similar size to that at Hazlehead. In line with the Development Framework, the indicative plans show how a considerable landscape buffer could be accommodated between this and the golf course. It should also be noted that the facility is intended household waste users only.

The indicative layout shows how the range of uses could be accommodated on site, in such a way so that, with mitigation measures, a suitable level of residential amenity could be achieved. Similarly the business uses would have a degree of separation from residents so as their use would not be compromised.

It is considered that with the planting of landscaped buffer strips, together with existing tree belts, the proposed mix of uses would be acceptable in terms of its impact on existing uses. These matters are recommended to be covered by conditions attached to any permissions granted.

#### Green Belt and Green Space Network (GSN)

The indicative plans show the area of green belt within the application site as remaining undeveloped. The layout indicates how development could be arranged on the site with this area remaining as it is. The area of green belt contains woodland. Whilst the trees are individually not high quality specimens, as a group they have value for wildlife, also as part of a wider area of trees and green space, and as a landscaped setting to development on the site. Any permission granted would be conditional upon the recommended conditions that surveys of the trees take place to inform the layout at the time of the applications for the detail of the development.

The indicative plans show, in line with the Development Framework, a layout whereby development is capable of being accommodated on the site without buildings or hardsurfaces being located on the area zoned as greenbelt. Linkage would remain between this woodland area and the GSN beyond the site and the proposal therefore complies with policies relating to both Green Belt and Green Space Network.

#### Trees, Woodland and Landscape

Trees surveys have been undertaken and no trees are protected. There are very few trees that are individually of high quality, however, there are areas of woodland and tree belts. These are of value as buffers between the application site and surrounding areas, and to provide a landscape setting to development. The indicative plan shows a layout that matches options within the DF. These layouts were worked up following background work looking at the locations and quality of tree groups. The existing landscaped buffer strips to the east and south would remain, including the woodland on the area of site within the green belt.

Under the indicative layout, less mature trees within the Park and Choose would be lost for its enlargement, as well as smaller landscaped areas within the wider site.

Planning conditions are recommended to be attached to any permission, requiring the submission of plans showing trees surveyed and plotted on the detailed layout plans. The agreed DF would be a material consideration in the determination of applications for the detailed site layout. The indicative plans show how the level of development proposed could be accommodated together with the important existing landscaped buffer strips. It is therefore considered that the proposal is not at odds with existing and proposed LDP policy in relation to trees, woodland and landscape.

#### Traffic and Transportation

The Development Management Roads Team have assessed the submitted TA, and subsequent revisions, and held discussions in relation to the net impact on the Ellon Road (A90) / Parkway roundabout. Other development in the surrounding area that already has planning permission is already required to facilitate mitigation measures to this roundabout at particular trigger points. It is recommended that if the development proposed under this current application goes ahead and those mitigation measures are not in place, then contributions would be required to implement mitigation to the roundabout. A suitable condition is recommended to be attached to require the mitigation to take place at the point at which it is triggered by the development proposed under this PPIp application.

The TA contains recommendations for measures to improve facilities for pedestrians and public transport users from the development. These are listed within the Consultation section above and would be required by condition.

Similarly measures are required off site and more remotely within the area, to ensure safer routes to school for those living within the residential areas of the development. Again these would be the subject of condition.

Transport Scotland have required that the site would not be brought into use prior to the Aberdeen Western Peripheral Route (AWPR) being completed and in use; and the submission and implementation of a travel plan to encourage and maximise use of sustainable forms of transport.

Subject to the securing of the measures noted above and in the Consultation section, which will also require the submission of further detailed applications, the proposal complies with policies T2 and D3 in both the adopted LDP, and in the proposed LDP. These relate to managing the transport impact of developments, and encouraging and maximising sustainable travel.

The expanded Park and Choose use on the site makes it ideally positioned to maximise the use of public transport in particular and the requirement of a full Public Transport Strategy by condition, will ensure that this opportunity is taken.

#### Flooding and Drainage

On the basis of initial assessments, both SEPA and the Council's Flooding Team are satisfied, in principle, that both flooding and drainage issues are capable of being satisfactorily dealt with. Provided that conditions would be attached to any consent granted, requiring the submission of detailed FRA and DIA, then there is no objection on this basis.

In addition, it is noted that the indicative plans show watercourses and sustainable urban drainage measures incorporated within the layout. It is accepted that the layout would be subject to detailed design, however, the indicative plans accord with the Development Framework in showing how the approximate level of development envisaged could be accommodated on the site together with these measures.

#### Air Quality

With the attachment of a condition requiring a detailed air quality assessment at MSC stages, the application would comply with the requirements of policy NE10 and T4 in the adopted and proposed LDPs respectively.

#### Matters raised by representations

The following is noted, in response to comments and objections:

- a) Neighbour notification was correctly carried out. This report outlines the representations made to the proposed LDP, and apportions weight accordingly.
- b) The Development Framework has been subjected to a consultation process and has now been agreed by CH&I Committee. It is considered not to be premature to consider this planning application.
- c) Impact of the HWRC on amenity has been dealt with above and is capable of being mitigated with appropriately sized landscape buffers, there is space available on the site for this. The matter has been conditioned.
- d) As above, suitable landscape buffer is capable of being achieved.
- e) This is noted and the matter is dealt with above.
- f) The nature of the HWRC has been described in the statement from the Council.

The specific matters raised are capable of being mitigated and this matter is covered by condition.

- g) Transport related matters are dealt with in the Evaluation section above and in the Consultation Section.
  - h) As above.
  - i) It is acknowledged that there is a benefit to the local economy of the any large events held at the Royal Aberdeen Golf Course. The park and choose facility on the application site is to be enlarged and would contain a large number of spaces that could potentially be used.
  - j) and l) As above.
- m) Landscaping along the northern site boundary is capable of being incorporated as part of the detailed layout of the site and is the subject of condition.

### Conclusion

At this stage it is the principle of the mix of uses that is under consideration. Although the application proposal would largely discord with the zoning policy in the adopted LDP, relating to specialist employment uses, it can be seen that the wider direction of development plan policy is towards a mix of uses on the site. The proposal would accord with the Mixed Use policy in the proposed LDP as amenity issues are capable of being resolved satisfactorily; the proposal accords with the opportunity site description as it includes the household waste and recycling centre, is subject to flood risk assessment (high level, but subject to condition); and, it involves residential development on a brownfield site, as welcomed in principle in the Strategic Development Plan and as identified for this particular site in the proposed LDP.

As noted above, the specific subject policies are not offended, with the attachment of conditions to require detailed assessment at a later stage, and mitigation measures. It is therefore concluded that the proposal does not depart from wider development plan policy and is acceptable, subject to the developer contributions noted above, in order to provide for its impact on education provision, community facilities, sports and recreation facilities, open space and the road network.

### **RECOMMENDATION**

**Approve conditionally with permission to be withheld pending suitable arrangements being in place to facilitate the securing of affordable housing and developer obligations relating to primary education, community facilities, sports and recreation, transportation, including travel plan, Strategic Transport Fund and open space.**

### **REASONS FOR RECOMMENDATION**

This is an application for planning permission in principle and the proposal will be the subject of one or more further applications for the detailed scheme. At this stage it is the principle of the mix of uses that is under consideration. Although the application proposal would largely discord with the zoning policy in the adopted LDP, relating to specialist employment uses, it can be seen that the wider direction of development plan policy is towards a mix of uses on the site. The proposal would accord with Policy H2 Mixed Use in the proposed LDP as amenity issues are capable of being resolved satisfactorily; the proposal accords with the opportunity site description for OP13, as it includes the household waste and recycling centre, is subject to flood risk assessment (high level, but subject to condition); and, it involves residential development on a brownfield site, as welcomed in principle in the Strategic Development Plan and as identified for this particular site in the proposed LDP.

The specific subject policies, in both the adopted and proposed Local Development

Plans, including the following: Policy NE1 Green Space Network, Policy NE2 Green Belt, Policy D6 / D2 Landscape, Policy H1 Residential Areas, Policy NE5 Trees and Woodland, Policy NE6 Flooding and Drainage and other policies relating to travel and transportation are not offended, with the attachment of conditions to require detailed assessment at a later stage, and mitigation measures. It is therefore concluded that the proposal does not depart from wider development plan policy and is acceptable, subject to the provision of affordable housing and developer contributions, in order to provide for its impact on education provision, community facilities, sports and recreation facilities, open space and the road network.

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

(1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' application - in order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice.

(2) No development in connection with each respective phase/block of the planning permission hereby approved shall take place until full details of the siting, design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant phase/block of development have been submitted to and approved in writing by the Planning Authority. The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. Depending on the phase/block, and unless otherwise agreed in writing with the planning authority, the MSC applications shall include:

a) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant phase/block of development;

b) A detailed Drainage Plan for the relevant phase/block of development, including full details of the proposed means of disposal of surface water from the relevant phase/block of development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;

c) Full details of the connection to the existing Scottish Water foul water drainage network for the relevant phase/block of development;

d) Details of all cut and fill operations in the relevant phase/block of the development;

e) The details of all roads, footpaths and cycleways throughout the relevant phase/block of the development;

- f) Details of any screen walls/fencing to be provided within the relevant phase/block of the development;
- g) Details of all landscaping, planting and screening associated with the relevant phase/block of the development;
- h) Full details of the layout, siting, design and finish of all residential properties, throughout the relevant phase/block of development;
- i) Full details of the layout, siting, design and finish of all non-residential properties throughout the relevant phase/block of development. This shall include but is not limited to: commercial premises, the Park and Choose, household waste and recycling centre (HWRC), local scale retail units; and,
- j) Full details of all waste/recycling collection points, for residential and non-residential properties;

- In order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(3) The landscaping details to be submitted pursuant to Condition 2 above shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point;
- b) Existing landscape features and vegetation to be retained. Tree survey, including layout plan showing proposed development together existing trees;
- c) Existing and proposed services including cables, pipelines and substations;
- d) The location of new trees, shrubs, hedges, grassed areas and water features;
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A Biodiversity Action Plan;
- i) A Management Plan detailing appropriate management measures for all watercourse buffer strips;
- j) A programme for the completion and subsequent maintenance of the proposed landscaping.

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

(4) That the development shall not be brought into use and no residential units shall be occupied unless there has been implemented on site the works detailed below, in accordance with details submitted to and approved in writing by, the planning authority,

unless otherwise agreed in writing with the planning authority. The works are:

- a) A shared use path alongside the frontage of the proposed site on Ellon Road;
- b) The repositioning of existing pedestrian crossing facilities on Ellon Road and their upgrading to include toucan crossing facilities (to provide linkage to the northbound bus stop on Ellon Road).
- c) Provision of dropped kerb crossing facility on Exploration Drive in the vicinity of the pedestrian access junction.
- d) Upgrading of existing bus stop infrastructure and the provision of dedicated bus layby.
- e) Provision of bus stops located at internal site on Exhibition Drive.
- f) Relocating of existing bus stop outside AECC (on Ellon Road) to a layby close to the Park and Choose, timing of this shall coincide with the relocation of the pedestrian crossing;
- g) Bus stops on the northern section of the upgraded Exhibition Avenue;
- h) Layout of the footpaths within the site to provide linkage with the existing path leading through to King Roberts Way to the south west of the application site.

- In the interest of road safety and connectivity.

(5) That no residential units shall be occupied unless there has been submitted, to and approved in writing by the planning authority, details identifying safe routes to schools within the proposed development. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school. No residential units shall be occupied unless the works have been implemented on site including the works detailed below, unless otherwise agreed in writing with the planning authority. The works are in relation to providing safer routes to school and include the following:

5. Drop Kerb facilities with tactile paving at North Donside Road/ Broadfold Drive Junction
6. Drop Kerb facilities with tactile paving at North Donside Road/ Gordon Road Junction
7. Tactile pavers should be installed on pedestrian crossing link to Fraserfield Gardens.
8. A crossing point on Scotstown Road to allow safe crossing point from Fraserfield Gardens.

-in the interests of road safety and encouraging walking.

(6) that the existing Park and Ride service shall be retained on site and operational during the construction period on the wider application site, unless otherwise agreed in writing with the planning authority – in the interests of continuity of public transport provision.

(7) No part of the development shall be occupied prior to the Aberdeen Western Peripheral Route being open to traffic, and the consequent removal of trunk road status for the A90 Parkway / Ellon Road. - To restrict the scale of the development in order to minimise the interference with the safety and free flow of traffic on the trunk road.

(8) No part of the development shall be occupied until a comprehensive Travel Plan for that part of the development that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this Travel Plan shall identify measures to be implemented, the system of



management, monitoring, review, reporting and the duration of the plan.- To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

(9) That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority, a Framework Travel Plan, setting out proposals for reducing dependency on the private car. – in the interests of reducing travel by private car.

(10) No more than 498 residential dwellings and 2400sq.m. of office space, or other such development combination of equivalent traffic generating uses as demonstrated to the satisfaction of the Planning Authority shall be occupied unless the mitigation scheme for the A90(T) Parkway/ Eilon Road roundabout, generally in accordance with AECOM drawing number SKE001 (November 2015) has been implemented unless otherwise agreed in writing with the planning authority- in the interests of road safety.

(15) That no dwellings shall be occupied until such time as a public transport strategy, including proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased implementation of the strategy, have been submitted to and approved by the Planning Authority. Thereafter the agreed strategy shall be implemented in full in accordance with such a scheme, unless otherwise agreed in writing with the Planning Authority - in the interests of encouraging the use of public transport.

(10) That no development shall take place unless there has been submitted to and approved in writing by, the planning authority in consultation with SEPA prior to any works on site:

- The hydraulic model is re-run to incorporate an allowance for Climate Change as part of the sensitivity analysis
- Consideration is made of the flood events which have been documented at the Park and Ride car park on the site, by Aberdeen City Council in their 4<sup>th</sup> and 5<sup>th</sup> Biennial Flood Reports.
- No development will be permissible within the 1 in 200 year flood plain outline. With the present information provided this is defined in Figure 11 of the Flood Risk Assessment for Planning Application in Principle, dated 12 October 2015, by Kaya Consulting Ltd for Goodson Associates.
- In regard to the proposed opening up of a culvert on the site - detailed modelling of the new channel is provided.

- to protect people and property from flood risk in accordance with Scottish Planning Policy.

(11) Prior to commencement of any work in any phase of the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA [and SNH or other agencies as appropriate]. This shall include:

Confirmation of the location of all existing water bodies on site and demonstration of

how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development.

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

- to protect and improve the water environment.

(12) that no development in any individual phase/block shall take place unless a scheme detailing levels of sustainable drainage (SUDS) surface water treatment has been submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

- to ensure adequate protection of the water environment from surface water run-off.

(13) No development shall take place on site in each independent phase/block pursuant to this planning permission unless a site specific Construction Environmental Method Plan (CEMP) has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. 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 necessary demolition and construction works on the environment.

(14) The details to be submitted pursuant to Condition 2 for each respective phase of the development shall show the proposed means of disposal of foul and surface water from the relevant phase of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, the development shall connect to the public sewer and the relevant phase of the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as:

- a) Inspection regime relating to matters such as outlets/inlets;
  - b) Frequency and method of cleaning of filter trenches, removal of silt etc.;
  - c) Grass cutting (and weeding) regime for swales;
  - d) Means of access for future maintenance;
  - e) How to ensure that planting will not be undertaken over perforated pipes;
  - f) Details of the contact parties for future factoring/maintenance of the scheme;
- to protect the water environment and help reduce flooding.

(15) Prior to the commencement of any phase of development, as identified in the approved phasing plan required by condition 1, for each respective phase full details of the proposed street design for each block, which shall contain, but not be limited to, a parking strategy, road junctions and visibility splays, cycleway

provision, gradients, level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the Planning Authority in consultation with the Roads Authority. The development shall be carried out in complete accordance with such a plan and buildings shall not be occupied unless the streets and parking areas for the respective block are complete and available for use - in the interests of road safety.

(16) No development shall take place until an assessment of emissions to air from road traffic associated with the whole development has been submitted to and approved in writing by the planning authority. The assessment shall be undertaken in accordance with a method approved by Council's Environmental Health Service and take into account additional traffic associated with other consented or proposed developments in the area, including the 3<sup>rd</sup> Don Crossing and Aberdeen Western Peripheral Route. Where the development is assessed as having an adverse impact on local air quality mitigation measures shall be specified in the report. The approved mitigation measures shall thereafter be implemented in accordance with a timetable agreed with the planning authority. Reason – in order to mitigate the impact of road traffic associated with the development on local air quality.

(17) Prior to the occupancy of each block, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the agreed parking strategy in accordance with the Council's Car Parking Standards, unless otherwise agreed in writing with the planning authority - in the interests of road safety.

(18) No development in any particular phase of the development hereby approved shall take place unless surveys for protected species (red squirrel / bats /badgers) for that phase have been carried out and submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place within the relevant phase of the development unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the Planning Authority. No development shall take place within the relevant phase unless the mitigation measures which have been agreed in writing by the Planning Authority are carried out in accordance with the agreed scheme - to ensure the protection of protected species.

(19) No development shall take place within any individual block until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publications.

(20) that no development within any individual phase/block shall not 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, 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'.

(21) that no development in any individual phase/block shall take place unless a

plan showing those trees to be removed and those to be retained and 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.

(22) 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) in any individual phase/block 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.

(23) that there shall be no development involving hard surfaces or buildings within the area of the application site zoned as green belt under Policy NE2 of the adopted Local Development Plan 2012. No development or works shall take unless details have been submitted to and approved in writing by the planning authority – in the interests of the green belt and landscape areas setting of adjacent areas.

(24) That any overlap in operation of the existing AECC and the proposed facility at Rowett North (including event testing) shall be implemented only in accordance with an operational and transportation statement to be agreed in writing with the planning authority – in the interests of ensuring that there is no detrimental impact on the capacity of the road network

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

that the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection, of 5 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the development.

The provisions of section 59(2) shall therefore be read as follows:

1) that this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this grant of planning permission in principle in respect of phase 1(as defined in terms of condition 1) has been made before whichever is the latest of the following:

- (i) the expiration of 5 years from the date of this grant of planning permission in Principle;
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

2) that this planning permission in principle shall lapse unless a further application or applications for the requisite approval of the matters specified in all condition(s)

attached to this grant of planning permission in principle in respect of each phase subsequent to phase 1 (as defined in terms of condition1) has been made before whichever is the latest of the following:

- (i) the expiration of 3 years from the date of the last grant of requisite approval for the previous phase;
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions for the phase in question was refused;
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3) that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions on the final phase (as defined in condition 1 of this permission) being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development of the final phase to which the permission relates is begun before that expiration – pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 2: For the avoidance of doubt, the term 'phase' within any condition shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

#### INFORMATIVE 3.

Unless otherwise agreed in writing with the Planning Authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

#### INFORMATIVE 4

It is advisable that the developer contact the Council's Waste Aware Team to discuss the appropriate waste storage and uplift arrangements for the residential developments.

#### INFORMATIVE 5

The applicant is advised that should any contamination of the ground be discovered during development the Planning Authority should be notified . The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority. This is in order to ensure that the site is suitable for use and fit for human occupation





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