

# 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 8 August 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, 16 AUGUST 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 21 June 2018 - for approval (Pages 9 - 26)
- 4.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 26 June 2018 - for approval (Pages 27 - 30)

## **COMMITTEE PLANNER**

- 5.1 Committee Planner (Pages 31 - 32)

## **GENERAL BUSINESS**

### **WHERE THE RECOMMENDATION IS TO HOLD A PUBLIC HEARING**

- 6.1 Land at Wellheads Road, Dyce - Residential development comprising 302 flats over 4 and 5 storeys, associated infrastructure, access roads and landscaping - 181050 (Pages 33 - 48)

Planning Reference – 181050

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=PAVWT EBZMRJ00>

Planning Officer: Matthew Easton

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

- 7.1 257 North Deeside Road - Change of use from Bakery to Veterinary Clinic (Class 2) - 180440 (Pages 49 - 56)

Planning Reference – 180440

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=P61J50 BZ01700>

Planning Officer: Dineke Brasier

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

- 8.1 1 Western Road, Woodside - Demolition of existing house & outbuildings and erection of 22 affordable 2 bed flats & associated car parking - 081415 (Pages 57 - 68)

Planning Reference – 081415

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

<http://planning.aberdeency.gov.uk/PlanningDetail.asp?ref=081415>

Planning Officer: Robert Forbes

## **DATE OF NEXT MEETING**

- 9.1 Thursday 20 September 2018 at 10am

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

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

Website Address: [www.aberdeency.gov.uk](http://www.aberdeency.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@aberdeency.gov.uk](mailto:lymcbain@aberdeency.gov.uk)

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## 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, 21 June 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; and Councillors Allan, Cooke, Copland, Councillor Donnelly, the Depute Provost (as substitute for the Vice Convener Councillor Jennifer Stewart), Greig, Avril MacKenzie, Malik and Sandy Stuart (as substitute for Councillor Cormie).

**The agenda and reports associated with this minute can be found at:-**  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=6265&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.**

### AGENDA ORDER

1. The Convener advised that item 6.6 on the agenda (Bremac Inverurie Road) would be moved and considered after item 6.1 on the agenda (Bridge of Dee Bar) in order to allow the Planning Officer to leave the meeting timeously.

### DECLARATIONS OF INTEREST

2. Councillor Cooke declared an interest in item 6.3 of the agenda, land adjacent to Rubislaw Quarry, as he knew some of the objectors to the application. Councillor Cooke is also a member of the Board of Sport Aberdeen, and the owner of the quarry is a former member of the Board, however he did not know the owner personally. Councillor Cooke remained in the meeting during consideration and deliberation of the item as he did not consider his interest to be so significant that he had to withdraw from the meeting.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 24 MAY 2018

3. The Committee had before it the minute of the previous meeting of 24 May 2018, for approval.

**The Committee resolved:-**  
to approve the minute as a correct record.

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**MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 31 MAY 2018**

4. The Committee had before it the minute of the Planning Development Management Committee visits of 31 May 2018, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

**COMMITTEE PLANNER**

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

**The Committee resolved:-**

to note the information contained in the Committee report planner.

**BRIDGE OF DEE BAR, 651 HOLBURN STREET - DEMOLITION OF EXISTING FUNCTION SUITE, AND ERECTION OF 29 BED STUDENT ACCOMMODATION - 170966**

6. 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, subject to the conclusion of a legal agreement securing developer obligations towards the Core Path Network (£6473), for the demolition of the existing function suite and erection of 29 bed student accommodation at the Bridge of Dee Bar, 651 Holburn Street Aberdeen.

**Conditions:-**

1. That no development shall take place unless there has been submitted to and approved in writing a detailed Green Travel Plan, which outlines sustainable measures to deter the use of the private car and advises of sustainable travel choices to and from the site.

**Reason:** in order to encourage more sustainable forms of travel to the development.

2. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

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- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

**Reason:** In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

3. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - a) A tree survey in accordance with BS 5837:2012.
  - b) Existing landscape features and vegetation to be retained.
  - c) Protection measures for the landscape features to be retained.
  - d) The location of new trees, shrubs, hedges and grassed areas.
  - e) A schedule of planting 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.
  - g) An indication of existing trees, shrubs and hedges to be removed.
  - h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

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All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

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

4. No works in connection with the development hereby approved shall commence unless samples and details of all the material (walls, windows, doors and roofing materials) to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

**Reason:** In the interests of the appearance of the development and the visual amenities of the area.

5. The building hereby approved shall be erected unless an Energy Statement applicable to that building has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
  - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
  - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

**Reason:** To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance – Resources for New Development.

6. That prior to the commencement of development a Noise Assessment by a suitably qualified noise consultant is carried out in order to ascertain the predicted impacts of likely noise sources associated with proposed development and the necessary control measures. This document shall thereafter be

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submitted to and approved in writing by the Planning Authority in consultation with colleagues in Environmental Health. This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- b) Identify the existing sources of noise potentially impacting on the proposed development
- c) Identify the likely sources of noise associated with the proposed development.
- d) Detail the noise mitigation measures to reduce noise from the existing and likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed and existing neighbouring residences respectively.
- e) The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment

**Reason:** in order to protect the residential amenity of the surrounding area.

7. No works in connection with the development hereby approved shall commence unless details in relation to the re-use of the granite duntakings from the function suite within the curtilage of the application site boundary have been submitted to, and approved in writing by, the Planning Authority.

**Reason:** to ensure that the granite is re-used within the curtilage of the site, and to ensure compliance with Policy D5: Our Granite Heritage of the Aberdeen Local Development Plan.

8. That all works shall be undertaken in accordance with the submitted Drainage Impact Assessment (Cameron and Ross – August 2017) and Flood Statement (Cameron and Ross – August 2017), unless otherwise agreed in writing by the Planning Authority.

**Reason:** to ensure that the site can be adequately drained and reduce potential for flood risk.

### INFORMATIVES

1. The Council's Flood Prevention Unit strongly recommend the use of permeable materials where suitable in the design to help prevent an increase in surface water run off as well as the use of rain water harvesting.
2. In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works, the developer should apply the following controls:
  - i. For the duration of the site preparation and construction phase, solid hoarding (of minimum 2m height) or equivalent to be erected at the

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development site boundary in particular between the site and existing residential properties on Holburn Street, to reasonably protect amenity at the rear of the properties;

- ii. Operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays; and
- iii. Identify the likely significance of the construction noise levels affecting residential premises during the accepted times and apply a maximum threshold level established through application of an appropriate method described within Annex E of BS5228 1:2009+A1:2014.

3. The student accommodation will be provided with:

- 4 x 1280l general waste containers
- 4 x 1280l co-mingled recycling containers
- 1 x food waste container for each bin store (each kitchen will receive a kitchen caddy, bioliners and associated information)

The following costs will be charged to the developer:

- Each 1280l bin cost £413.60
- Each food waste container cost £514.49

No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

Gavin Clark, Senior Planner, spoke in furtherance of the application and answered various questions from members.

**The Committee resolved:-**

to approve the recommendation contained within the report.

**BREMAC INVERURIE ROAD - ERECTION OF EXTENSIONS TO SIDE AND REAR ELEVATIONS AND FORMATION OF RAISED TERRACE**

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

That the application for the erection of extensions to the side and rear elevations and the formation of a raised terrace, at Bremac, Inverurie Road, be approved unconditionally.

**The Committee resolved:-**

to approve the application unconditionally.

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**LAND AT 15A DEE STREET - INSTALLATION OF TELECOMS CABINET - 170521**

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

That the application for the installation of a telecoms cabinet, be approved subject to the following conditions:-

**Conditions**

1. In the event that the hereby approved cabinet becomes obsolete or redundant, it must be removed within 6 months of such event. Once removed, the site shall be made good in accordance with a scheme to be submitted and approved in writing by the Planning Authority, within 1 month of such removal.

**Reason** – to minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory condition.

2. Unless otherwise approved in writing by the Planning Authority the cabinet hereby approved shall be painted in light grey colour.

**Reason** – in the interest of visual amenity.

**ADVISORY NOTES FOR APPLICANT**

The applicant should be made aware that if the intended works involve the crossing of a footpath, carriageway or verge at any point, then that part of the works will require an application under the New Roads and Street Works Act. The applicant will require to contact the Road Works Co-ordination Unit on (01224) 522290 or (01224) 522298, [roadworkscoordination@aberdeencity.gov.uk](mailto:roadworkscoordination@aberdeencity.gov.uk).

The applicant be made aware that they would have to be a member of the national register "Symology" and would be required to register their intended works through the Scottish Register "Symology".

Symology Limited  
 Glenbervie Business Centre, Glenbervie Business Park  
 Larbert, Falkirk, FK5 4RB  
 T: 01324 682170, F: 01324 682179  
 E: [srwr@symology.co.uk](mailto:srwr@symology.co.uk)

The Committee heard from Garfield Prentice, Team Leader, who spoke in furtherance of the application and answered various questions from members.

**The Committee resolved:-**

to approve the recommendation contained within the report.

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**DECLARATION OF INTEREST**

**Councillor Cooke declared an interest in item 6.3 of the agenda, land adjacent to Rubislaw Quarry, as he knew some of the objectors to the application. Councillor Cooke is also a member of the Board of Sport Aberdeen, and the owner of the quarry is a former member of the Board, however he did not know the owner personally. Councillor Cooke remained in the meeting during consideration and deliberation of the item as he did not consider his interest to be so significant that he had to withdraw from the meeting.**

**LAND ADJACENT TO RUBISLAW QUARRY, HILL OF RUBISLAW - RESIDENTIAL DEVELOPMENT COMPRISING 299 PRIVATE FLATS, GYM, FUNCTION ROOM, PUBLIC HERITAGE BISTRO, PROMENADE, CAR PARKING AND AMENITY SPACE - 180368**

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

That the application for the residential development consisting 299 private flats, gym, function room, public heritage bistro, promenade, car parking and amenity space at the land adjacent to Rubislaw Quarry, Hill of Rubislaw, be approved conditionally and to withhold the issuing of consent until a legal agreement has been entered into to secure affordable housing contributions and developer obligations relating to primary and secondary education, core paths, open space and healthcare.

**Conditions**

**(1) SURFACE WATER DRAINAGE**

No development shall take place unless a detailed scheme for surface water drainage and connection to the sewer, in accordance with the Drainage & Flooding Assessment (Issue 04 – June 2018) has been submitted to and approved in writing by the planning authority in consultation with SEPA and Scottish Water. Thereafter development shall be implemented in accordance with the agreed scheme.

**Reason** – to prevent any flooding and ensure adequate protection of the water environment from surface water run-off.

**(2) QUARRY WATER LEVEL MANAGEMENT PLAN**

No development shall take place unless a scheme for the management of the water level within the quarry has been submitted to and approved in writing by the planning authority in consultation with SEPA and Scottish Water. Thereafter the management plan shall be implemented in accordance with the agreed details.



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**Reason** – to ensure that the proposed development is not at risk of flooding from rising water levels in the quarry.

**(3) FOUL WATER DRAINAGE**

No development shall take place unless confirmation has been received that Scottish Water will accept a connection to their sewer network from the development. Thereafter development shall be implemented in accordance with the agreed foul drainage scheme.

**Reason** – to ensure adequate protection of the water environment from foul water generated by the development.

**(4) AIR QUALITY ASSESSMENT**

No development shall take place unless an air quality assessment which considers the impact on existing residents as well as the potential exposure levels of occupants of the new properties on Hill of Rubislaw. Measures to reduce any potential air quality impacts should be considered. The approved mitigation measures shall thereafter be implemented in accordance with a timetable agreed with the planning authority.

**Reason** - to mitigate the impact of road traffic associated with the development on local air quality.

**(5) NOISE MITIGATION SCHEME FOR NEW RESIDENTIAL PROPERTIES**

No development shall take place unless a scheme of measures for the protection of the proposed residential properties has been submitted to and approved in writing by the planning authority.

The scheme shall ensure that internal noise level, assessed with windows open, within any flat shall not exceed the WHO Community Noise Guideline Value of LAeq 30dB within bedrooms for the night time period 2300-0700 and LAeq 50dBA within outdoor living areas for the day time period 0700-2300. Where necessary, the noise assessment shall specify mitigation measures required to achieve these levels. Thereafter no flat shall be occupied unless the mitigation measures relevant to that property have been implemented in accordance with the agreed scheme.

**Reason** – to ensure that residents of the development are adequately protected from excessive noise levels.

**(6) DETAILED LANDSCAPING SCHEME**

No development shall take place unless a detailed scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. The scheme shall be in accordance with the principles outlined in the

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Landscape Design Framework produced by Optimised Environments (ref: 171159\_OPEN\_HillRubi\_LDF-01) and include –

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new trees, shrubs, hedges and grassed areas and water features
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard landscaping works including surfacing, walls, fences, gates and street furniture (including the public walkway)
- (v) a programme for the long-term management and maintenance of the hard and soft landscaping.

All soft 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 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 the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

**Reason** – To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

**(7) PROVISION OF PARKING**

No development shall take place unless a scheme for the phased provision of the vehicle, motorcycle and bicycle parking has been submitted to and approved in writing by the planning authority. The phasing scheme shall –

- (i) ensure that a level of vehicle, motorcycle and bicycle parking appropriate to the number of units is available on occupation of each part of the building.
- (ii) demonstrate when and where the bistro spaces, electric vehicle charging points and car club spaces would be provided.

Thereafter no unit within the building shall be occupied unless the parking associated with that unit and identified as such in the phasing scheme has been constructed, drained, laid-out and demarcated in accordance with drawings IBI-XX-ZZ-PL-A-100-0098 (Rev.2) and IBI-XX-ZZ-PL-A-221-0099 (Rev.2) or such other drawing approved in writing by the planning authority.

Parking areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development and use thereby granted approval.

**Reason** – to ensure public safety and the free flow of traffic.

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**(8) PROVISION OF PUBLIC AREAS AND WALKWAY**

No development shall take place unless a scheme for the phased provision of the publicly accessible external parts of the development (including the quarry edge walkway and area noted as 'aspirational paving outside ownership boundary line' on the pavement adjacent to the site) has been submitted to and approved in writing by the planning authority.

Thereafter each section of such areas shall be made available to the public on completion of the corresponding part of the building.

Such areas will thereafter remain in use as publicly accessible space for the life of the development.

**Reason** – to ensure the delivery of elements of the development proposed to enhance the accessibility of the quarry open space.

**(9) PROVISION OF FOOD & DRINK USE AND GYM**

No development shall take place unless a scheme for the provision of the (i) food and drink unit; and (ii) gym parts of the development has been submitted to and approved in writing by the planning authority.

Thereafter each element shall be provided in accordance with the approved scheme.

**Reason** – to ensure the delivery of the amenities proposed for the development.

**(10) EXTERNAL FINISHING MATERIALS**

No development shall take place unless a scheme detailing all external finishing materials of the proposed building has been submitted to and approved in writing by the planning authority. Thereafter the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

**(11) EXTERNAL LIGHTING**

No development shall take place unless a scheme of the external lighting for the building and its external areas has been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved scheme.

**Reason** – to ensure public safety.

**(12) TREE PROTECTION SCHEME**

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No development shall take place unless a scheme for the protection of all trees to be retained on and out with the site (including the route of the pedestrian path to Queen's Road) during construction works has been submitted to and approved in writing by the planning authority. The tree protection scheme shall thereafter be implemented for the duration of the construction of the development unless otherwise agreed in writing with the planning authority.

**Reason** – to ensure adequate protection for the trees on site during the construction of the development.

**(13) BADGER PROTECTION PLAN**

No development shall take place unless the species protection measures contained within the Badger Survey (RQA-1805-BDS – 15 May 2018) have been fully implemented in accordance with the license granted by Scottish Natural Heritage.

**Reason** – to ensure that badgers are protected from development.

**(14) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)**

No development (including site stripping, service provision or establishment of site compounds) shall take place unless a site-specific construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA.

The CEMP must include construction-phase and final SUDS supported by drawing(s) showing the location of the construction phase SUDS features; storage locations; pollution prevention and mitigation measures in place during construction e.g. spillage / chemical management and monitoring; emergency contacts to SEPA for pollution incidents and Invasive non-native species (INNS) management. The construction phase SUDS should be in compliance with the requirements of SEPA General Binding Rules 10 and 11 for the management of water run-off from a construction site to the water environment

Thereafter development shall be undertaken in accordance with the approved CEMP.

**Reason** – to minimise the impacts of necessary demolition / construction works on the environment

**(15) WASTE STORAGE**

No development shall take place unless a scheme for the phased provision of the waste storage areas has been submitted to and approved in writing by the planning authority.

Thereafter no unit within the building shall be occupied unless the waste storage area associated with that unit and identified as such in the phasing scheme has been

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constructed and is available for use in accordance with drawings IBI-XX-ZZ-PL-A-221-0099 (Rev.2) and IBI-WS-XX-PL-A-100-0103 (Rev.2) or such other drawing approved in writing by the planning authority.

Waste storage areas shall not thereafter be used for any other purpose other than the purpose of the storing waste generated by the development.

**Reason** – to ensure adequate waste storage provision and for the protection of public health.

**(16) LOW AND ZERO CARBON BUILDINGS**

The building hereby approved 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.

**Reason** – to ensure the 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'.

**(17) WATER EFFICIENCY MEASURES**

No flat or commercial element of the building shall be occupied unless the water efficiency measures identified in section 5.0 of the Sustainability Statement (Issue 02) produced by KJ Tait Engineers have been installed and are available for use.

**Reason** – to help avoid reductions in river water levels, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation (SAC).

**(18) BUS STOP UPGRADE**

No flat or commercial unit shall be occupied unless the bus stop located on the south side of approximately 40m east of Angusfield Avenue has been upgraded in accordance with a scheme submitted to and approved in writing by the planning authority.

**Reason** – to encourage the use of public transport and reduce dependency on the private car for travel.

**(19) RESIDENTIAL TRAVEL PLAN**

No flat shall be occupied unless a residential travel pack has been submitted to and approved in writing by the planning authority. The residential travel pack shall identify details of different travel options available in the area to discourage the use of the

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

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private car. The approved travel pack shall be supplied to each household on occupation of a flat.

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

### (20) COOKING ODOUR CONTROL

The food and drink use shall not become operational unless a scheme of Local Extract Ventilation (LEV) for that use has been submitted to and approved in writing by the planning authority. The scheme must fully demonstrate the extent of the necessary ventilation equipment and the effectiveness of the associated cooking odour and fume control measures.

**Reason** – to ensure that residential properties are not adversely affected by cooking odours.

## ADVISORY NOTES FOR APPLICANT

### (1) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received, and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.

The Committee heard from Garfield Prentice, Team Leader, who spoke in furtherance of the application and answered various questions from members.

Councillor Donnelly, the Depute Provost, seconded by Councillor Malik, moved:-

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

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

That the application be refused due to the adverse visual impact the proposal would have based on its scale and massing which is contrary to Policy D3 - Big Buildings of Aberdeen Local Development Plan. There is insufficient onsite parking provided which would lead to overspill parking on residential streets. There is a lack of suitable capacity to accommodate the educational needs of the development. There would be an adverse impact on the wildlife on the site. The quality of the design does not meet the requirements of Policy D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan.

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On a division, there voted:- for the motion (2) – Councillor Donnelly, the Depute Provost and Councillor Malik:- for the amendment (7) – the Convener and Councillors Allan, Cooke, Copland, Greig, Avril MacKenzie and Sandy Stuart.

**The Committee resolved:-**

to adopt the amendment and therefore refuse the application.

**LAND AT DUBFORD, BRIDGE OF DON - MODIFICATION OF PLANNING OBLIGATION ASSOCIATED WITH PLANNING PERMISSIONS: REF: 120722; 120723; 121422; 121387; AND 141506 - 180418**

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

That the application for the modification of planning obligation associated with planning permissions 120722, 120723, 121422, 121387 and 141506, to remove clause 5 from the associated Section 75 agreement, at Land at Dubford Bridge of Don, be approved.

**The Committee resolved:-**

to approve the modification of the application.

**SHIELHILL CRESCENT AND PERWINNES CRESCENT, DUBFORD - REPOSITIONING OF CHILDREN'S PLAY AREA - AMENDMENT TO DETAILED PLANNING PERMISSION 160630 - 180600**

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

That the application for the repositioning of the children's play area at Shielhill Crescent and Perwinnes Crescent, Dubford, Bridge of Don, be approved subject to the following condition:-

**Condition**

No development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the site and its surroundings, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting. All planting, seeding and turfing 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

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

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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.

Councillor Sandy Stuart requested that a site visit take place before determining the application.

**The Committee resolved:-**

to agree to defer the application in order for a site visit to take place on Tuesday 26 June at 9.30am.

**FINALISED ENFORCEMENT UPDATE REPORT**

**12.** The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which provided information on enforcement work that had been undertaken by the Strategic Place Planning Service from 1 April 2017 to 31 March 2018.

**The Committee resolved:-**

to note the contents of the report.

- **Councillor Marie Boulton, Convener**



**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**  
21 June 2018

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 26 June 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Boulton, Convener; Councillor , Vice Convener; and Councillors Cooke, Copland, Councillor Donnelly, the Depute Provost (as substitute for the Vice Convener Councillor Stewart), Greig, Avril MacKenzie, Malik and Sandy Stuart (as substitute for Councillor Cormie).

**The agenda and reports associated with this minute can be found at:-**  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=6225&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.**

### SHIELHILL CRESCENT AND PERWINNES CRESCENT DUBFORD - 180600

1. With reference to article 10 of the Planning Development Management Committee of 21 June 2018, whereby it had been agreed to visit the site before determining the application, the Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, **which recommended**:-

That the application for the repositioning of the children's play are at Shielhill Crescent and Perwinnes Crescent Dubford, be approved subject to the following condition:-

#### **Condition**

No development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the site and its surroundings, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of trees/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting. All planting, seeding and turfing 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.

Following the site visit, Kristian Smith, Team Leader, spoke in furtherance of the application and answered various questions from members.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**  
26 June 2018

**The Committee resolved:-**

to approve the application conditionally.

- **Councillor Marie Boulton, Convener**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**

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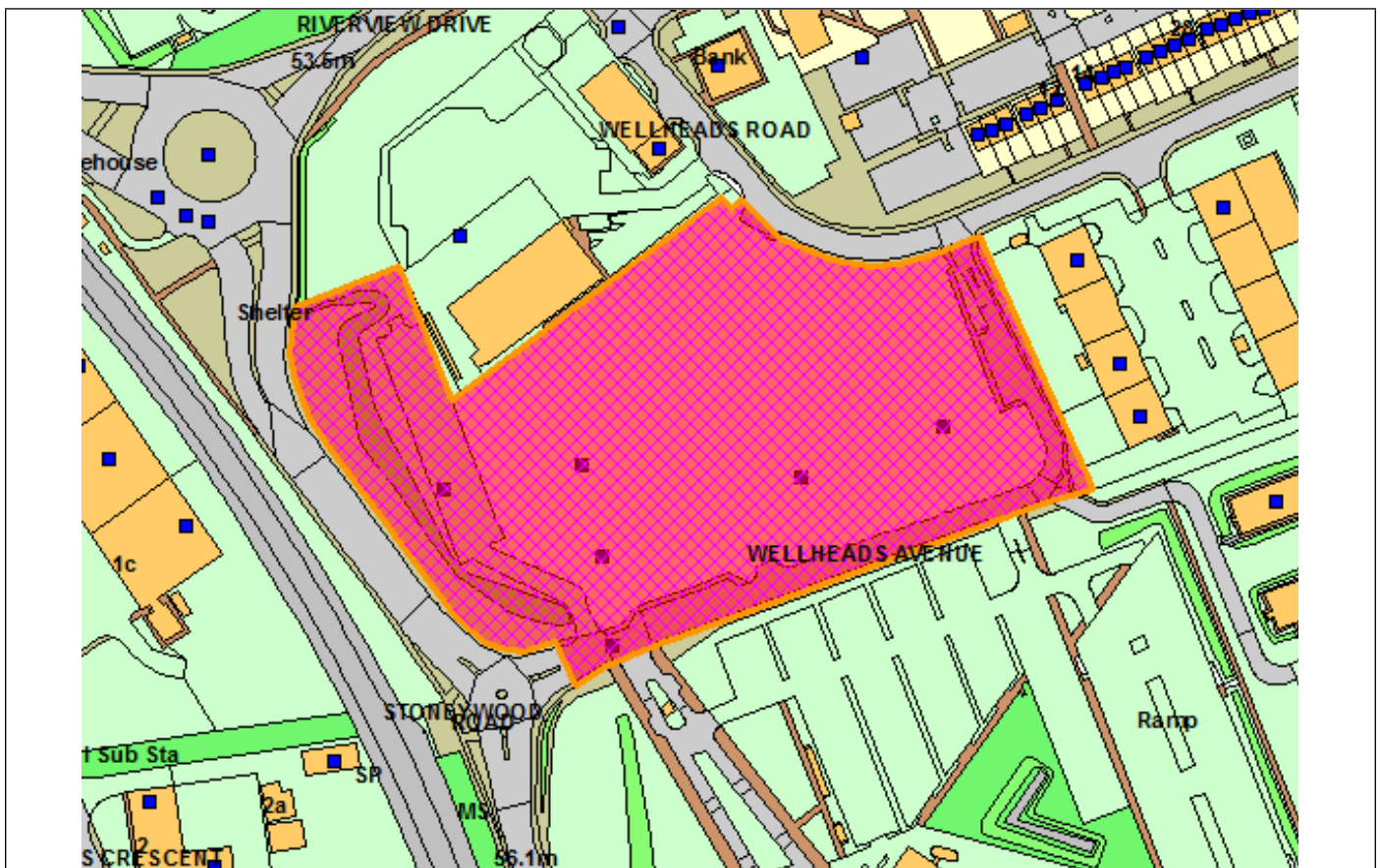
	A	B	C	D	E	F	G	H	I
1	<b>PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER</b> The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>	<b>Terms of Reference</b>	<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3	<b>16 August 2018</b>								
4	257 North Deeside Road	to approve or refuse the application	On agenda	Dineke Brasier	Strategic Place Planning	Place	1		
5	1 Western Road, 081415	to approve or refuse the application	On agenda	Robert Forbes	Strategic Place Planning	Place	1		
6	Land at Wellheads Road	to determine whether a public hearing is required.	On agenda	Matthew Easton	Strategic Place Planning	Place	1		
7	<b>20 September 2018</b>								
8	OP51 Peterculter	to approve or refuse the application		Nicholas Lawrence	Strategic Place Planning	Place	1		
9	Maidencraig	to approve or refuse the application		Gavin Clark	Strategic Place Planning	Place	1	D	Outstanding responses required.
10	Broadford Works - 4 applications	to approve or refuse the application		Lucy Greene	Strategic Place Planning	Place	1		
11	Wellheads Dyce	to approve or refuse the application		Matthew Easton	Strategic Place Planning	Place	1		
12	154 Midsocket Road	to approve or refuse the application		Roy Brown	Strategic Place Planning	Place	1		
13	Land at Culter House Road	to approve or refuse the application		Gavin Clark	Strategic Place Planning	Place	1		
14	60 Queen's Road	to approve or refuse the application		Jane Forbes	Strategic Place Planning	Place	1		
15	Shielhill Road Mundurno	to approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1		
16	<b>01 November 2018</b>								
17	TPO 255 - 2018 - Malcolm Road	there was a committee instruction to bring back a report on TPO 248 and 249. These have been combined and will now be TPO 255.		Kevin Wright	Strategic Place Planning	Place	1		
18									





	<h2>Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p><b>Committee Date: 23 August 2018</b></p>

<b>Site Address:</b>	Land at Wellheads Road, Dyce, Aberdeen, AB21 7HG
<b>Application Description:</b>	Residential development comprising 302 flats over 4 and 5 storeys, associated infrastructure, access roads and landscaping
<b>Application Ref:</b>	181050/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	26 June 2018
<b>Applicant:</b>	First Endeavour LLP
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council</b>	Dyce and Stoneywood
<b>Case Officer:</b>	Matthew Easton



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## RECOMMENDATION

**Convene a Public Hearing**

## APPLICATION BACKGROUND

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### Site Description

The application relates to a site which can be divided into four distinct elements – a cleared brownfield site, a car park, an area of landscaping including trees and a non-adopted road, all located within Farburn / Stoneywood Industrial Estate, Dyce. The overall application site extends to 2.44 hectares.

The cleared site was previously occupied by the single storey Excel Leisure Club and a five-storey car park (both operated by BP). All buildings have been demolished and vegetation removed. The cleared site extends to approximately 1.64 hectares and is enclosed by a temporary hoarding.

The car park has circa 60 spaces and is located on the west side of the site, sitting 2m above the cleared site to the east. It is owned by the Council and leased to BP and is currently in use.

Wellheads Avenue, forming the southern boundary of the site, is a non-adopted road which provides access into the BP North Sea Headquarters car park and connects Stoneywood Road with Wellheads Road.

To the west is Stoneywood Road (A947) beyond which in the Aberdeen to Inverness railway line. The north west boundary comprises an area of landscaping adjacent to Stonewood Road, including several mature trees. The northern boundary is neighbouring industrial premises occupied by MB Air Systems, comprising a workshop and office building, yard and car park. Beyond this is a petrol filling station. The north east boundary is Wellheads Road, with a car park and landscaping associated with the residential development at Burnside Drive beyond.

The eastern boundary features the rear of industrial buildings and associated yards. To the south is the BP North Sea Headquarters office development with associated surface and decked car park.

The site straddles the 60 dB noise contour for Aberdeen International Airport.

### Relevant Planning History

- Planning permission in permission (130191) for demolition of all buildings and the erection of three office buildings (11,500 sqm) was granted on 16 August 2013.
- Two applications for matters specified in conditions relating to the design and layout and technical matters associated with 130191 have been submitted and approved (140458 approved in June 2014 and 141027 approved in May 2018).

Although the consent is still live, no work has commenced on constructing the development.

## APPLICATION DESCRIPTION

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### Description of Proposal

Detailed planning permission is sought for the erection of 302 residential flats, across five blocks. The buildings would be either four or five storeys in height, positioned on a north/south orientation, with each block containing between 52 and 69 flats. These would be a mixture of sizes, as indicated in the table below.

Unit Size	Number of Units	Percentages of Total
One bedroom	99	32.7%
Two bedrooms	158	52.3%
Three bedrooms	35	11.5%
Four bedrooms	10	3.3%

Hard and soft landscaping would be provided between the blocks, with a grassed open play area and two equipped play areas also provided.

Car parking would be located around the edge of the site, predominately in a car park along the northern boundary and at right angles along the two lengths of Wellheads Avenue. 178 parking spaces and 19 motorcycle spaces are proposed plus 4 car club spaces.

### 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=PAVWTEBZMRJ00>

- Design and Access Statement
- Drainage Assessment
- Geo-Environment Desk Study
- Noise Assessment and Noise Impact Summary Report
- Pre-Application Consultation Report
- Transport Statement
- Tree Survey Report

### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has been the subject of more than 20 objections, and is a development in which the Council has a financial interest; due to its ownership of the carpark part of the site and the potential purchase of the finished units should the application be approved. These factors trigger a report to Committee to seek a decision on whether or not a public hearing should be held.

### CONSULTATIONS

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**Aberdeen International Airport** – The above ground level heights of building should be provided by the applicant.

**Archaeology Service (Aberdeenshire Council)** – No objection. In relation to the former Aberdeenshire Canal, it is recommended that should the applicant be approved, a condition be attached requiring the implementation of a programme of archaeological works. It is envisaged that the archaeological works would consist of an archaeological watching-brief during ground-breaking works.

**ACC - Contaminated Land Team** – No objection. It is not considered that the ground conditions recorded on site represent a constraint to development from a contamination perspective and no

remedial works are necessary. However, the western portion of the site has not been investigated to-date and it is agreed that investigations should take place to confirm conditions.

**ACC - Environmental Health** – Object. The proposed development has potential to be impacted upon by existing noise sources including; aircraft noise associated with the nearby Aberdeen International Airport approximately 360 metres to the west of the site and road traffic noise from the A947 immediately adjacent to the west of the site.

- As per the *Aberdeen International Airport Noise Action Plan 2013 to 2018*, the site falls within the airport noise contour –
  - The majority of the proposed site is located within the 57  $L_{Aeq\ 16\ Hour}$  contour for 2011 with the remaining part of the site located within the 60  $L_{Aeq\ 16\ Hour}$  contour.
  - The majority of the site also falls within the more up-to-date 57  $L_{Aeq\ 16\ Hour}$  contour for 2016 with the remaining part of the site located within the 60  $L_{Aeq\ 16\ Hour}$  contour.

Policy B4 of the Local Development Plan states that applications for residential development in areas where aircraft noise levels are in excess of 57dB  $L_{Aeq}$  (the summer 16-hour dB  $L_{Aeq}$  measurement) as identified on the airport noise contour map will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of Aberdeen International Airport.

- The measurement data included within the assessment was obtained between 19 February to 13 March 2018 (excluding days from 28 February to 6 March due to exceptional weather conditions and snowfall). Whilst the average air traffic during the non-excluded measurement period was only slightly less than the air traffic during the summer months of 2017, the weather conditions were exceptional around this time. The residual lying snow is considered to potentially provide greater noise absorbency in the later part of the noise survey. Road traffic levels are also thought to be potentially affected by the adverse conditions during this period. The noise levels established during the measurement survey may have been lower than would be expected during other times of the year. On this basis it cannot be said with any certainty how representative the noise measurement data is.

The submitted Noise Impact Assessment has been reviewed and the following aspects are of relevance –

- Daytime External Amenity Throughout 16 Hour Day – It is suggested an average noise level limit for external amenity areas of 55 dB  $L_{Aeq\ 16\ Hour}$  is acceptable and that minor exceedances of this level may occur and would be considered acceptable. This is contrary to the *World Health Organisation (WHO) Guideline Values for Community Noise* which advises such a noise level would cause ‘Serious Annoyance’. The report has not therefore demonstrated a reasonable level of outdoor amenity would be achieved throughout the day, and compliance with the requirements of the relevant WHO guidance.
- Daytime Internal Amenity Throughout 16 Hour Day – it has been demonstrated that a reasonable general internal noise level maybe achieved with suitable mitigation measures including, closed windows and provision of alternative ventilation throughout the development.
- Daytime External Amenity – Acute Noise incidents - The likely individual noise incidents impacting on the proposed development site from both fixed wing and helicopter passes are considered numerous and intrusive in particular at peak times of activity. The noise impact assessment has not demonstrated how the noise associated with these acute noise incidents during peak periods will be mitigated against to help provide a reasonable level of external amenity.

- Daytime Internal Amenity – Acute Noise incidents - The likely individual noise incidents impacting on the proposed development site from both fixed wing and helicopter passes are considered numerous and intrusive in particular at peak times of activity. The noise impact assessment has not demonstrated how the noise associated with these acute noise incidents during peak periods will be mitigated against to help provide a reasonable level of internal amenity.
- Night-time Internal Amenity Throughout 8 Hour Night – the Noise Impact Assessment has demonstrated that a reasonable general internal Noise level may be achieved with suitable mitigation measures including, closed windows and provision of alternative ventilation throughout the development.
- Night-time Internal Amenity Acute Noise incidents - the Noise impact assessment has demonstrated an internal maximum sound level ( $L_{AFmax}$ ) not exceeding 45 dB, more than 10-15 times a night may be achieved with suitable mitigation measures including, closed windows and provision of alternative ventilation throughout the development.
- Alternative Runway Usage - It is understood that during certain weather conditions and wind direction an alternative runway 32 is used for helicopter traffic with potential for periods of hovering before landing. This is considered to bring the noise sources into closer proximity to the site and for longer periods than normal resulting in elevated noise levels. No consideration of this aspect of aircraft movements has been included within the assessment.

After due consideration the Environmental Health service is not satisfied that future residents of the proposed development will be suitably protected from environmental noise at the development under all reasonable circumstances and is therefore unable to support the application.

**ACC - Flooding and Coastal Protection** – No objection. The following information should be provided by the applicant.

- An exceedance flow map to show where and how any surface water will flow in the event of the site flooding during a M200 rainfall event. No water should exit the site and encroach on to the surrounding roads.
- It is strongly recommend the use of permeable materials where suitable in the design and the use of rain water harvesting to help mitigate any increase in surface water.

**ACC - Housing** – There is a requirement for increased provision of social housing in Dyce and across the city. 302 flats would reduce the waiting lists considerably. The intention for this development is to build 302 flats and sell them to ACC for use as social housing as part of the Council house new build programme.

**ACC - Land and Property Assets** – The Council owns the western part of the site.

**ACC - Roads Development Management Team** – The following matters are raised.

#### Traffic

- It is noted that the previously consented office development was required to provide a right turn lane from Riverview Drive onto Wellheads Road. However, the proposed development will generate significantly less traffic along this route. As such, it is felt that this improvement is no longer necessary.

## Parking

- There is one cycle parking space proposed for each flat, which is a fairly large over-provision, relative to the standards of one space per dwelling up to 30 dwellings, and one space per 3 dwellings thereafter. The applicant may wish to consider adhering to the standards.
- There are 19 motorcycle parking spaces proposed in the Design and Access statement and 20 proposed in the Transport Statement. Standards require one space per 8 flats – therefore 38 motorcycle parking spaces are technically required. The shortfall however is not of concern. The actual number of motorcycle spaces proposed should be clarified.
- It is assumed that the development will be rented social housing (i.e. eligible for lesser parking requirements). Given the outer city location of the site, 0.8 spaces are required per unit. This leads to a total requirement of 242 parking spaces. 178 spaces are proposed. This results in a shortfall of 64 spaces.

In the submitted “pre-application consultation report” it is stated, *“In line with ACC maximum parking standards 0.8 spaces per flat are proposed, along with four car club spaces”* – this does not appear to be the case, it is 0.8 spaces per flat INCLUDING the 4 car club spaces. It is also argued that *“given that the residential development is an affordable housing scheme, it is considered that this should be recognised as a low car development”*. This is disagreed with. This is why there are specific affordable housing parking requirements, which are ~ 50% less onerous than “standard” housing parking requirements. Further relaxation should not be given simply because it is affordable housing, this is already accounted for.

To try and mitigate this parking shortfall, the applicant is also proposing 4 car club parking spaces (in section 4.4 of the D&A Statement). Car club cars have been shown to replace the requirement for 17 secondary household cars. These would equate to 68 spaces, thus mitigating the shortfall.

The Transport Statement indicates that 194 spaces and 3 car club cars are proposed. This appears to have changed in the Design & Access Statement (section 4.4) to 178 spaces and 4 car club cars – clarification should be provided. It is considered that 3 car club cars is more appropriate.

Car club cars typically compensate for secondary car ownership. Affordable rented flats are already permitted a relaxation in standards as a result of the lower car ownership historically documented, resulting in less than 1 space per flat being required. As such, the applicant is proposing car club cars to compensate for primary car ownership, and is actually proposing 0.6 spaces per flat, where standards request 0.8 spaces per flat. Relaxations can be afforded, but it is considered that a shortfall of 64 primary car parking spaces is too great to offset with car club. The proposal for 3 car club cars in the Transport Statement is more appropriate.

If the applicant were to reduce the number of flats proposed, this would have the double benefit of requiring less parking but providing more floor area upon which to provide parking.

A large proportion of the parking is to be perpendicular parking spaces accessed off Wellheads Avenue. Such a large amount of perpendicular parking accessed off a main road, would not typically be allowed however as this road is within the applicants red-line boundary and not proposed for adoption there is no issue with this. However, the roads should maintain adequate width such that they are fit for purpose, and that 6m aisle width is provided to facilitate parking.

There is adequate disabled parking provision (12 spaces). It is requested that two of the disabled bays from the west of the site are moved to the central of the south bays of parking bays that front onto Wellheads Avenue.

### Layout

- It is noted that the layout shown in the Transport Statement is different than the general roads layout provided, most notably that there is a square area shown in the TS, where road 2 is otherwise shown – clarification is required.
- The two junctions are proposed for adoption and connect to the adopted road network. The applicant should confirm whether there are changes to these junctions.
- The Association of Chief Fire Officers states that a pump appliance should “*get to within 45m of all points within a dwelling*”, however measuring 45m north from road 7, and 45m south of road 1 leaves a dead zone that appears unreachable. Emergency vehicles may have the option of driving down the green area, however due to the provision of benches and walls this does not seem possible – clarification is required.
- The internal road reduces beneath 6m in certain locations where there is perpendicular parking. The road should be at least 6m in these areas to facilitate parking.
- A Traffic Regulation Order (TRO) would be required in order to create a 20mph zone which would extend from Wellheads Avenue, and would incorporate the adjacent advisory 20mph areas.
- Visibility splays have been shown for 20mph roads, however these junctions are all on 30mph industrial roads, with advisory 20mph signage. If the above TRO is applied this will be correct. Regarding the forward visibility – visibility for 12mph is shown, however this cannot be enforced – forward visibility for 20mph should be shown.
- At present there is a footway on the eastern side of the portion of Wellheads Avenue that runs north-east to south-west. The applicant’s proposals appear to remove this footway. This would be unacceptable as it would result in ~60 parking spaces being adjacent to a road with no footway. If the above TRO is applied for, the speed would be acceptable for a shared surface however, as this area is likely to be heavily trafficked at peak times, (between residents leaving, and office staff arriving and vice versa), a footway should still be provided.
- Section 3.2.3 of the Transport Statement states that “*pedestrian access to the site will continue to be via...Wellheads Road via the existing footway network*” – removal of the footway is a contradiction of this.
- Traffic calming should be provided on straight sections greater than 60m in length. An example of where this would be required is the southern part of Wellheads Avenue (~160m). It is noted that, due to the quantity of parking spaces, the applicant may find it difficult to accommodate traffic calming. Additionally, the northern-most road appears to be >90m, the western-most road is >75m, and the eastern-most road is ~75m. The applicant should amend their drawing to highlight the required traffic calming.
- The long-sections provided show that the internal roads are proposed to be in cross-fall and are not proposed for adoption. This is acceptable; however the applicant should note that having these roads in cross fall will likely prevent them from being adopted at a future date.

- The applicant should separate their swept path analysis into multiple drawings – certain junctions are hard to decipher as there are multiple swept paths overlaid on top of one another. That being said it appears that, for the internal roads, the swept paths show significant overlap with traffic coming in the opposite direction, and several instances where they cross the 250mm buffer at the edge of the road and get very close to parked cars. This should be amended prior to the submission of the separated swept path drawings.
- The applicant should confirm whether the “Open play area” to the north-east is to be fenced off or contained in any way. There could potentially be a danger to children playing in this area due to the proximity of the adjacent road.

#### Local Road Network

- It is noted that a Safe Routes to School assessment was undertaken as part of the Transport Statement. This appears to be robust and shows that there are safe routes for residents of this development to both Dyce Primary and Dyce Academy.

#### Travel Plan Framework (Residential Travel Pack)

- The Transport Statement states that “a residential travel plan will be provided, which will focus on sustainable travel opportunities and the use of the Car Club”. The proposed content is agreeable, however walking maps highlighting the locations of the nearby schools and suggested walking routes should be included. The provision of a residential travel plan should be conditioned.

#### Refuse Storage / Collection

The applicant should confirm that residents will not be required to carry waste more than 30m to a storage point. Additionally, collectors should not have to transport two and four wheeled containers more than 15m and 10m, respectively.

#### Drainage Assessment

- The Drainage Assessment relies quite heavily on permeable surfacing with stone filter trenches beneath. From experience, it is noted that porous lock-block are ineffective – particularly when utilised on a non-level road.
- New surface water sewers are also proposed to service the development and will be located within new roads and areas of open ground. It is stated that run-off from internal roads and existing roads will drain to the areas of permeable paving. The only mention of gullies is in the “existing drainage” section, which states that “there are...privately owned drains to the south and east within Wellheads Avenue”. Some of these gullies will require to be moved as parking is proposed behind them. There doesn't appear to be any mention of new gullies within the site, or a drawing showing the gullies. The applicant should provide clarification and drawing showing this.

**ACC - Waste Strategy Team** – No objection. The developer should confirm how parked vehicles will be protected when bins are collected.

**Developer Obligations Team (Aberdeenshire Council)** – No response received at time of writing.

**Dyce and Stoneywood Community Council** – Object for the following reasons.



- The proposal is not consistent with policies H1 (Residential Areas) and H3 (Density) of the Local Development Plan. The massing and bulk of five closely spaced multi-storey blocks constitutes overdevelopment of the site; the 'inner-city' style blocks are totally unsympathetic to the low-density housing in Dyce village and therefore will have an unacceptable impact on the character and amenity of the surrounding area;
- The parking provision is not adequate and will lead to 'spillover' parking on adjacent streets with consequent road safety issues;
- In terms of Policy H2 (Mixed-Use Areas), the flats themselves will have poor amenity, being aligned on a north-south axis and hemmed-in by business and industrial sites and not well connected to Dyce village; in terms of Policy H4 (Housing mix) there is no evidence that Dyce village requires this number of affordable units at this time. We note that this site is not identified as a 'brownfield' or opportunity site for housing in the Local Development Plan.

**NATS (En-Route)** – No objection. The proposed development does not conflict with technical safeguarding criteria.

**Police Scotland** – No objection. The general layout of the site is good from a Crime Prevention through Environmental Design (CEPTED) perspective. The area is served by the Bucksburn Police Office, the Bucksburn policing area has a generally low level crime and this development causes no extra concern in relation to crime and a policing perspective.

**Scottish Environment Protection Agency** – No objection. It is requested that a condition is attached to any grant of planning consent requiring a construction environment management plan, including details of the management of the water environment to prevent potential pollution and the management of materials and waste to be submitted.

**Scottish Water** – No objection.

- The proposed development would be fed from Invercannie Water Treatment Works and serviced by Persley Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at either site at this time.
- Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, the availability of capacity would be reviewed at that time and the applicant advise accordingly. Where it is confirmed that mitigation works are necessary to support a development, the cost of these works are to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.
- For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.
- There is a 16 inch PVC Trunk main within the site.

## **REPRESENTATIONS**

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323 representations have been received. 283 of these object to the proposal and 36 are in support

### **Objections**

The matters raised in objections can be summarised as follows –

### Scale, Layout and Design

1. The development does not consider the general characteristics of the surrounding area. It would be more appropriate to build smaller developments across the city rather than one large development. The recent developments at Manor Walk and Smithfield School are good examples.
2. The number of flats and density of the development proposed is unreasonable and excessive for the site, contrary to Policy H1 (Residential Areas) and Policy H3 (Density). It is not comparable to the neighbouring site at Burnside Drive as suggested by the applicant.
3. The height of the buildings (four and five storey) is not in keeping with the character of the surrounding area. They would be overbearing on surrounding uses.
4. Dyce cannot cope with an increase in population of around 20%.
5. It does not appear as if there is a footpath provided along the length of Wellheads Avenue, causing safety issues for pedestrians.
6. Houses rather than flats would be more appropriate at this site, providing better amenity for families.
7. The proposed colours of the finishing materials are inconsistent with Dyce.
8. The development would result in the loss of trees and green space.

### Amenity (Within the Development)

9. The site would be subject to noise from the airport, railway, roads and industrial uses.
10. There are no/limited areas within the development for the potentially 500+ children to play. The nearest other play area is a 15-minute walk away across busy roads.
11. The areas of landscaping/open space between the buildings are inadequate for the large size of the development. There is limited space for children to run around and play. This is not a city centre location which is limited in what can be provided, so sufficient space should be proposed.
12. The site is zoned for and surrounded by an industrial estate, a location which is not suitable for such a large residential development. The approved proposals for office use at the site would be more appropriate.

### Amenity (Impact on Existing Uses)

13. The privacy of existing residents would be compromised by the development.
14. The height of the buildings may overshadow existing homes.
15. The Burnside Drive is a relatively quiet area; the proposed development would change this.
16. The development would increase the number of dog owners in Dyce, leading to more dog fouling.

### Public Services and Infrastructure

17. The existing medical centre in Dyce is over capacity, the proposed development would exacerbate the problem.
18. The existing schools in Dyce are already nearing or are over-capacity and are in poor condition with inadequate facilities. A new school or an expansion of the existing should be built prior to any new residential development.
19. The availability of childcare in Dyce is limited and would be further exacerbated by the proposed development.
20. There are limited sports or recreational facilities in Dyce.
21. Green space in Dyce is well used and this development would place further pressures on these spaces.

### Transport

22. The level of parking proposed is very limited and as a result indiscriminate parking will take place in the surrounding area. It is incorrect that those on lower incomes have lower car ownership rates; parking provision should be increased to reflect this.
23. The existing car park (used by BP) at the western end of the site would be lost, resulting in vehicles being displaced into the local area.
24. The location of the site is not suitable for a 'low car development', especially for those on low incomes that would need to use public transport, which is already limited in capacity and frequency.
25. Traffic congestion in the Dyce area is already a significant issue, especially at peak times. This development would exacerbate the issue.
26. The AWPR would not alleviate traffic in Dyce as the problem is at peak times when traffic is associated with people who live and work in Dyce.
27. Surrounding roads are already in a bad state of repair, with the development exacerbating the problem.
28. It should be ensured there is access for emergency vehicles.
29. Stonewood Park has no pedestrian crossing at its junction with Stonewood Road. The road is wide and difficult to cross at peak times which with increased footfall, including children, it's an accident waiting to happen.

### Other

30. New properties would decrease house prices and destabilise the market.
31. The type of housing proposed gives concern over crime and antisocial behaviour.
32. The development would have an adverse impact on local wildlife and the river, though an increase in pollution and litter.

33. The housing a Burnside Road is owner occupied whereas what is proposed would be rented, potentially creating social divisions.
34. There would be disruption during construction.
35. Approval of the development would risk setting a precedent for future developments.
36. The site should be zoned for new community facilities and amenities such a school, a pharmacy, a health centre or a leisure centre or similar.
37. The proposal has changed from Council to affordable housing.

#### Administrative

38. There was a lack of publicity for the application.
39. Notifications were delivered at the start of the school holidays when many families are away and the time period for submitting representations was too short.
40. Many of the representations of support are from those involved in the proposal.
41. The developer has maximised the amount of development on the site, knowing that it would be unacceptable, but in the knowledge that a lesser amount would be acceptable.

#### **Support**

42. More affordable housing is required in the city.
43. The development would provide an affordable place to live in a good location and help address rising housing demand.
44. The development looks well planned and the site is ideal for large scale development.
45. Ground floor flats would provide opportunities to make provision for particular housing needs.
46. The development can take advantage of the existing infrastructure and community networks in place in the area.
47. There is plenty of green space provided.
48. The development is in keeping with its surroundings

### **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**

- Scottish Planning Policy
- Planning Advice Note 1/2011 (Planning and Noise) and Technical Advice Note

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

- B4: Aberdeen Airport
- D1: Quality Placemaking by Design
- D2: Landscape
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- I1: Infrastructure Delivery & Planning Obligation
- NE1: Green Space Network
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- R2: Degraded and Contaminated
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise
- CI1: Digital Infrastructure

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

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

## **EVALUATION**

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

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

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

Taking each of these in turn –

- This proposal has attracted a total of 283 objections, and therefore clearly exceeds the threshold stated in the first of these criteria.
- The Council is (i) the owner of the car park located on the west side of the site; and (ii) is considering purchasing the completed residential units from the applicant in order to help address the need for social housing in the city. The Council as a corporate body therefore has a direct interest in the outcome of the application.
- The application has been treated as departure from the development plan as it is directly contravenes Policy B4 by proposing residential development within the airport noise contours. Policy B4 states that “*applications for residential development in areas where aircraft noise levels are in excess of 57dB LAeq (the summer 16-hour dB LAeq measurement) as identified on the airport noise contour map will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of Aberdeen International Airport.*”

This report is therefore to determine whether a public hearing should be held. No recommendation is being made at this time in respect of the determination of the application.

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

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

The representations received raise a wide range of issues. The predominant issues raised relate to the scale and density of development, the suitability of Dyce to be able to absorb the size of development (especially in relation to the local schools and medical facilities), the layout and design, impact on existing amenity and that available for future residents and transportation impacts. These are all relevant planning considerations and relate to areas covered by the development plan.

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

### **Next Steps**

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

comments made by the consultation bodies and members of the public and all matters raised at the hearing.

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

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

## **RECOMMENDATION**

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**Convene a Public Hearing**

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## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 23 August 2018**

<b>Site Address:</b>	257 North Deeside Road, Peterculter, Aberdeen, AB14 0UL
<b>Application Description:</b>	Change of use from Bakery to Veterinary Clinic (Class 2)
<b>Application Ref:</b>	180440/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	28 March 2018
<b>Applicant:</b>	Ashgrove Veterinary
<b>Ward:</b>	Lower Deeside
<b>Community Council</b>	Culter
<b>Case Officer:</b>	Dineke Brasier



### RECOMMENDATION

Approve Conditionally

## **APPLICATION BACKGROUND**

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### **Site Description**

The application site comprises a mid terraced ground floor unit in a small row of 1½ storey terraced granite-built properties. It was previously in use as a bakery, and is currently vacant. The properties contain a mix of uses, and include a further commercial unit (a jeweller) to the west, and residential flats to the east, and on the first and lower ground floors. The site is located within the Peterculter neighbourhood centre, and has no dedicated off-street parking.

### **Relevant Planning History**

None

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Change of use from a bakery to a veterinary practice (class 2). The practice would contain one treatment area; three kennels; waiting area; reception; office; dispensary; and toilet. It is specified within the application that no animals would stay overnight at the premises.

### **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=P61J5OBZ01700> .

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

- Noise Impact Assessment by Ethos Environmental, dated July 2018;
- Parking survey by the applicant, dated June 2018;
- Planning Statement by Eric Bisset Architectural Services, dated April 2018

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

The application has been referred to the Planning Development Management Committee because the Culter Community Council lodged an objection to the proposal; and it is recommended for approval.

## **CONSULTATIONS**

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**ACC - Roads Development Management Team** – No objections. The submitted parking survey shows that sufficient parking would be available for the proposed use in the immediate surrounding area.

**ACC - Environmental Health** – Following submission of Noise Impact Assessment no objections, subject to conditions on upgrading of floor between application site and lower ground floor flat, restriction on opening times.

**Culter Community Council** – Objects to the proposal on the following grounds:

1. Impact on residential amenity of neighbouring residential properties;
2. Insufficient parking in the surrounding area;
3. Presence of drugs and animals undergoing medical treatment is a public health risk; and

4. Disposal of dead and sick animals. There is no rear entrance and all traffic would have to be via the main A93 pavement.

## **REPRESENTATIONS**

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Two letters of objection, raising the following matters:

1. Concerns with regards to parking provision. No on-site parking provided, and existing parking spaces on the A93 are often used;
2. Noise from (distressed) animals would have an adverse impact on residential amenity;
3. Potential increase in dog fouling in the immediate surrounding area.

Two letters of support, raising the following matters;

1. Supports new business within Peterculter;
2. Peterculter is one of the few areas within Aberdeen without a local vet, and would use this facility.

One neutral letter, even though not objecting, raising concerns with regards to parking provision along the A93 North Deeside Road.

## **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)**

NC6: Town District Neighbourhood & Commercial Centres;  
D1: Quality Placemaking by Design;  
T2: Managing the Transport Impact of Development; and  
T5: Noise

### **Supplementary Guidance (SG)**

Supplementary Guidance

Transport and Accessibility

## **EVALUATION**

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### **Principle of Development**

The site is located within the Peterculter Neighbourhood Centre and policy NC6 – Town, District, Neighbourhood and Commercial Centres applies. This policy sets out that retail is the preferred use within neighbourhood centres, and provides a number of criteria which applications for a change of use from retail to non-retail uses need to comply with:

1. *The proposed alternative use makes a positive contribution to the vitality and viability of the centre;*
2. *The proposed alternative use will not undermine the principal function of the centre in which it is located;*
3. *The applicants can demonstrate a lack of demand for continued retail use of the premises;*
4. *The proposed use caters for a local need;*
5. *The proposed use retains or creates a live and attractive shop frontage;*

6. *The new use does not create clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and*
7. *The alternative use does not conflict with the amenity of the neighbouring area.*

At present, Peterculter does not have a veterinary practice, with the nearest alternatives being in Bielside and Westhill, both at a significant distance. Peterculter can be described as a settlement in its own right and is visibly separated from the wider suburbs of Milltimber, Bielside and Culter to the east by an area of green belt land and the AWPR. A veterinary practice could be expected in a community of this size. The proposal would therefore result in a further diversification of business and services in this settlement, making it more self-sufficient and sustainable, whilst reducing the time and distance that residents need to travel to visit a vet. As such, the creation of this service would bring an additional function into this settlement. It could therefore be reasonably considered that it would contribute to the viability and vitality of the existing neighbourhood centre, as it would increase the range of services available in the village, and could result in bringing in more people into the neighbourhood centre. As such, the proposal would comply with 1.

Culter Neighbourhood Centre is an elongated area stretching c.600m along the north and south of North Deeside Road, roughly between the junction with Malcolm Road in the west and Station Road East in the east. Even though this entire area is shown as a neighbourhood centre in the 2017 ALDP, in reality it contains a mix of uses including residential, community facilities, retail and leisure, and often consists of a small cluster of commercial units interspersed by residential units, with the proportion of commercial units increasing towards the west. Within this context, the application property is immediately flanked by a jeweller to the west and residential flats to the east, with a bank in the next block to the east and the relatively new flatted development containing a supermarket and other smaller shops and services c.50m to the west. The overall centre provides a wide range of shops and services, and it is considered that the change of use of this unit to a veterinary practice would not undermine the principle function of the wider neighbourhood centre. As such, the proposal would comply with 2.

The applicant confirmed that the premises were vacated in October 2016 and have been on the market since. Throughout that period, there has been no interested in the building for a 'traditional' retail use, with the only viewings in relation to the use of the unit as a beauty salon (class 2) or coffee/sandwich shop (class 3). This sufficiently demonstrates a lack of demand for the continued use of the premises as a retail unit, and the proposal therefore complies with criterion 3.

As stated above, at present Peterculter does not have a veterinary practice, with the nearest alternative vets being in Westhill and Bielside. As such, the proposal would serve a local catchment area, and would provide an additional function within this village to the betterment of the range of services on offer. The proposal would clearly comply with 4.

The proposal does not include any external alterations to the building, and the existing layout and shop front would be retained. The main entrance would lead into the reception of the vets practice, which would also contain an ancillary element of pet food sales and accessories. As such, the proposal would retain a live and attractive shop frontage, and would comply with 5.

As the veterinary practice would be the first of its kind in Peterculter, it would not result in clustering of a particular use in the immediate vicinity. The proposal would clearly comply with 6.

The impact of the proposal on the residential amenity of neighbouring residential units is set out below.

Taken together, it is considered that the proposal would comply with all criteria listed above, would therefore comply with policy NC6 of the 2017 Aberdeen Local Development Plan, and its principle is accepted.

### **Impact on residential amenity**

The unit is located on the ground floor in a row of terraced properties with a mix of uses. To the west is a jeweller; to the east and on the upper and lower ground floor are residential units. The main issue under consideration would be noise, especially from dogs. The applicant has submitted a noise impact assessment, undertaken by a specialist consultancy, and confirmed that no animals would stay at the premises overnight.

This report sets out that there is a moderate adverse impact due to noise transfer through the floor between the application premises and the lower ground floor flat. However, the report continues to set out that this is partly due to the poor performance and current quality of this party floor rather than the proposed use. As such, it is considered that this can be mitigated through upgrading of the acoustic performance of this floor as recommended in section 5 of the Noise Impact Assessment.

It further concludes that noise transfer through windows will be negligible. On this basis, and subject to a condition setting out that the floor between the application site and the lower ground floor flat will be upgraded, and a condition restricting opening hours of the business, Environmental Health does not raise any objections to the proposed use.

It is therefore considered that, subject to implementation of these conditions, the proposal would not have a significant adverse impact on the residential amenity of surrounding flats.

### **Impact on character and appearance of the surrounding area**

The proposed use would not include any external alterations to the property. It would therefore not have an adverse impact on the existing street scene. However, it should be noted that any future signage might require separate advertisement consent

### **Impact on local highway conditions, especially in relation to parking**

The A93 North Deeside Road is a main road artery connecting the city centre to Deeside to the west. It is a busy road, with double yellow lines immediately in front of the application property and limited on-street parking. Due to its nature as a neighbourhood centre, the available parking spaces are well used and there is existing pressure on these spaces. To ensure sufficient parking would be available, Roads Development Management requested a parking survey, which was subsequently submitted by the applicant. This parking survey counted available parking spaces in the immediate surrounding area during various weekday periods in the morning, afternoon and early evening to reflect proposed opening hours. The results showed a minimum of eight available spaces during each survey period.

Supplementary Guidance on Transport and Accessibility (SG) sets out that a bakery in Peterculter would need to provide 1 parking space per 30m<sup>2</sup> gfa (gross floor area). The unit has a total gfa of c.120m<sup>2</sup>, equating to a total requirement of 4 parking spaces. SG sets out that a veterinary practice in this area would require three parking spaces per consulting room with 0.5 parking space per staff member. The applicant has confirmed that the premises will only contain a single consulting room, and generally only two staff members would be at the premises at any given time. This would result in a similar parking requirement of 4 spaces.

Taking account of both the results of the parking survey, and the fact that the current and proposed use would have the same parking requirement according to the Council's SG, the proposed use of existing on-street parking spaces would be acceptable, and the proposal would not result in a significant increase in pressure on existing parking spaces.

## **Matters raised in letters of objection**

### Community Council

1. Impact on residential amenity – *This is addressed above*
2. Impact on parking – *This is addressed above*
3. Presence of drugs and animals undergoing medical treatment would be a public health risk – *The practice would only contain the minimum required amount of medication on the premises, which would all be locked away. This area would be alarmed and constantly monitored. As such, the proposal would not result in a public health risk.*
4. Disposal of dead and sick animals without using a rear entrance – *This is not a material planning consideration.*

### Letters of objection

1. Impact on parking – *This is addressed above*
2. Noise from (distressed) animals – *This is addressed above*
3. Potential increase in dog fouling in the surrounding area – *This is not a material planning consideration.*

## **Time Limit Direction**

The application was validated on 28<sup>th</sup> march 2018, with a two month determination date of 27<sup>th</sup> May 2018. Following initial consultations with the Council's Environmental Health and Roads Development Management Teams, a request for a Noise Impact Assessment and Parking Survey was issued during that period. The Parking Survey was submitted in June, and the Noise Impact Assessment in July. As such, this committee date was the next available committee following submission of the Noise Impact Assessment.

## **RECOMMENDATION**

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Approve Conditionally

## **REASON FOR RECOMMENDATION**

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The proposed change of use is considered to have a positive impact on the viability and vitality of the Peterculter neighbourhood centre as it brings an empty unit back into use, and would provide a service that is currently not available within the village. The submitted noise impact assessment demonstrates that the proposal would not have a significant adverse impact on residential amenity of surrounding flats due to an increase in noise, provided no dogs stay overnight at the premises. Similarly, the submitted parking survey demonstrates that there are generally sufficient parking spaces available to accommodate cars from clients and staff.

As such, the proposal complies with policies NC6 (Town, District, Neighbourhood and Commercial Centres), D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development) and T5 (Noise) of the 2017 Aberdeen Local Development Plan, and Supplementary Guidance on Transport and Accessibility.

## **CONDITIONS**

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### Opening hours

1. That the veterinary practice shall not be open other than during the hours from 8.00 am until 19.00 pm, Mondays to Saturdays inclusive and no dogs shall be kept at the premises outwith these opening hours.

Reason: To ensure the use of the building as a veterinary practice will not have an adverse impact on the residential amenity of surrounding residential properties.

Floor improvements

2. That the use hereby approved shall not be implemented until the party floor between the lower ground floor flat and the application property has been upgraded in accordance with the recommendations contained in section 5 (p.17) of the Noise Impact Assessment undertaken by Ethos Environmental Ltd and dated July 2018.

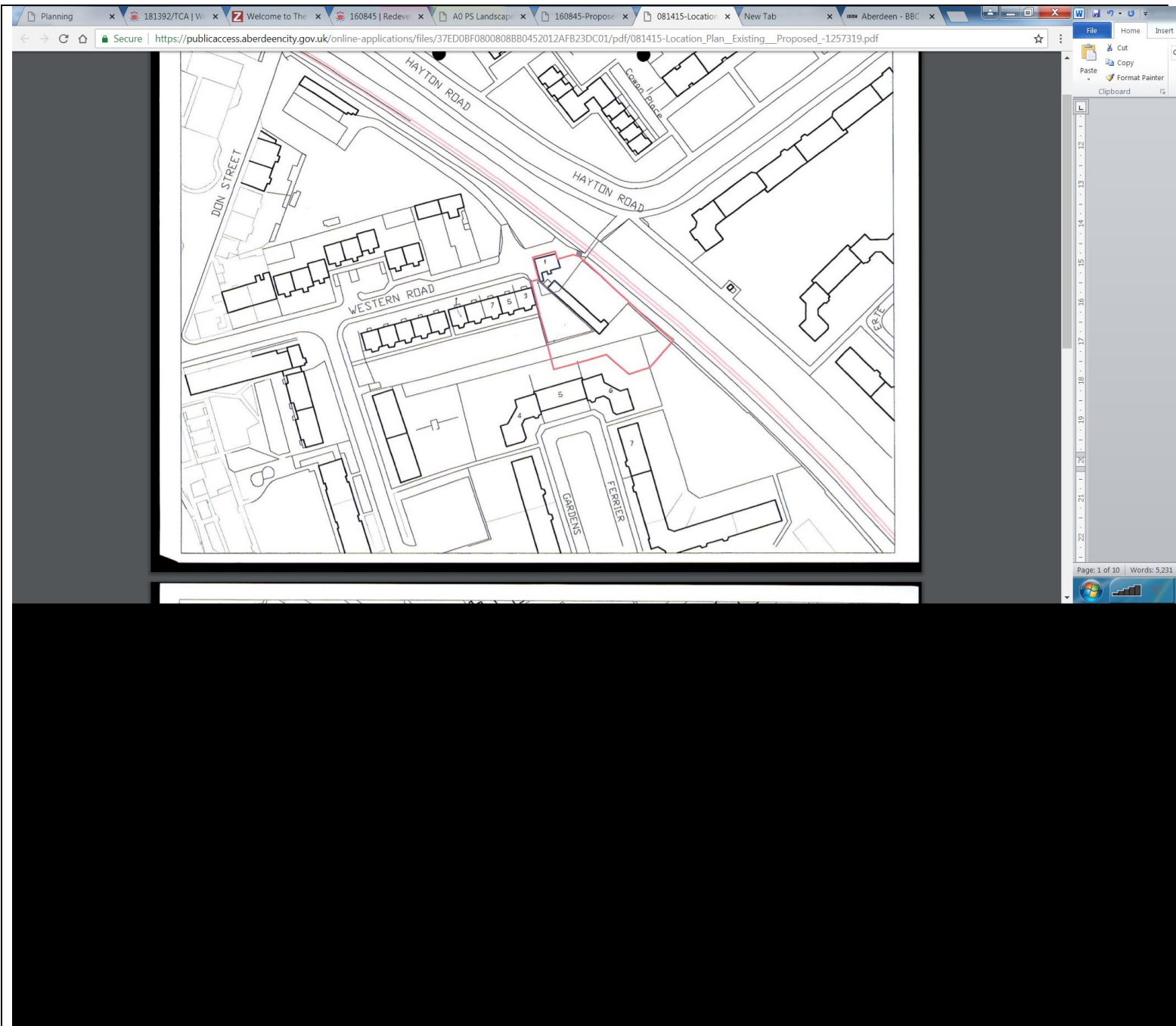
Reason: To ensure the use of the building as a veterinary practice will not have an adverse impact on the residential amenity of the lower ground floor flat.

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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: 16 August 2018</b>

<b>Site Address:</b>	1 Western Road, Woodside, Aberdeen,
<b>Application Description:</b>	Demolition of existing house & outbuildings and erection of 22 affordable 2 bed flats & associated car parking
<b>Application Reference:</b>	081415
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	26 June 2008
<b>Applicant:</b>	Caversham Management Ltd
<b>Ward:</b>	Hilton/Woodside/Stockethill
<b>Community Council</b>	Woodside
<b>Case Officer:</b>	Robert Forbes



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## RECOMMENDATION

### Refuse

#### Background and previous consideration by the Planning Committee in 2008

The application was previously initially considered by the Planning Committee on the 28th August 2008 when it was remitted to the Planning (Visiting) Sub-Committee to visit the site and consider the application. Subsequent the site visit took place on the 4th September 2008. It was ultimately considered at the Planning Committee meeting on 18th September 2008. The recommendation was to refuse planning permission. However, the Committee, on the understanding that the flats proposed would be affordable housing resolved to express a willingness to approve subject to a legal agreement which would ensure that the flats would represent affordable housing and to apply appropriate planning conditions to be determined by the Head of Planning and Infrastructure. The application was also referred to the Scottish Ministers in 2008 due to the Council's interests as

landowner and due to receipt of objection by SEPA. They declined to intervene in the application processing. The legal agreement with the applicant has never been concluded and a separate legal agreement with the Council, as landowner of parts of the application site, also remains to be concluded. That agreement required the transfer of Council owned land in the southern section of the site and upgrade works to the underpass linking Western Road to Hayton Road. The legal agreement has not been concluded, with sporadic periods of discussion between the applicant and Council officers.

Whilst the applicants wish to have this agreement concluded, little progress has been over the last 10 years. Due to this lack of progress and notwithstanding the previous resolution of the committee in 2008 to express a willingness to approve the application, it is considered appropriate and necessary for the Council to now make a further determination and a final decision on the application. Due to the passage of the extensive period of time since this application was considered previously by committee and that a new local development plan was adopted in January 2017, it is necessary for the planning authority to undertake an new assessment of the proposal against the relevant policies of 2017 local development plan and to make a fresh determination based on that assessment.

## **DESCRIPTION**

This site is located within the Ferrier-Sandilands area of Woodside and forms part of an area dominated by social housing provision. The site is partly vacant / derelict, with a 1½ storey dwellinghouse and corrugated iron clad outbuildings having been demolished. Only the boundary walls of this part of the site, which was formerly used as a yard, remain. The site also includes an adjacent Council-owned surface car parking area (to the south-west of the former buildings), an area of open space (to the south of the derelict site) and part of the communal rear garden ground associated with the adjacent Council-owned tenement properties on Ferrier Gardens (occupying the southern part of the site). The site fronts onto and is accessed from Western Road. The car parking area within the site appears to have been developed for the use of adjacent residential property and appears to be largely unused. The open space within the site is maintained as grassland and accessed via Ferrier Gardens / Ferrier Crescent.

The surrounding area is predominantly residential in nature and includes a mixture of housing and flatted properties. Immediately to the west of the site are single storey terraced houses with associated garden ground and communal open space. These houses front onto the street and have no car parking within their curtilage. To the south of the site are 3 storey tenement flats with associated communal garden ground and adjacent amenity open space. These flats face onto Ferrier Gardens and have no off street car parking provision. There are access gates located at the southern boundary of the car park providing pedestrian access between the tenements and open space located on Ferrier Gardens and the car park on Western Road. The tenements have pitched roofs clad with natural slate and harled walls. The main Aberdeen – Inverness railway is located to the immediate east of the application site. Its boundary with the site is formed by a wall and fencing. Immediately to the north of the site is an underpass, which provides a pedestrian route across the railway line via a flight of steps. Beyond the railway line, on Hayton Road are residential properties ranging from 2 to 4 storeys in height.

## **PROPOSAL**

The application proposes the erection of twenty-two flats with associated car parking, cycle parking and incidental landscaping. Three linked blocks are proposed ranging from 3 to 4 storeys in height and positioned parallel to the railway. All flats would have two bedrooms, a bathroom and living room/ kitchen area. All of the bedrooms would face north-east onto the railway line, with the living areas facing south-west over the car park/ cycle / adjacent gardens / adjacent flats.

The building would have a maximum overall height of approximately 12m (comprising the four-storey element), with a three storey central build with a maximum height of 10m. The build would

be 42m in length and 13m in depth and would include a mono-pitched roof that would slope from west to east. No details of materials have been provided.

Eighteen car parking spaces would be located in the western section of the site along with three motorcycle spaces, twenty-two long stay cycle racks and two Sheffield cycle stands. Bin storage facilities would be located in the northern section of the site; adjacent to the site access. Various incidental areas of landscaping would be located throughout the site.

Upgrade to the southern approach to the adjacent underpass which allows access under the railway line between Tillydrone and Woodside is also proposed as part of the application. A ramped area and new steps (partly on the site of the former house located within the northern section of the site) would be provided. Part of the land required to construct this work lies outwith the application site, adjacent to the railway line boundary.

### **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=081415>

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

Ground investigation Report; Drainage information; Underpass Access Work Statement

### **REASON FOR REFERRAL TO COMMITTEE**

As noted in the Background section above, the application has been referred to the Planning Development Management Committee as the application has previously been subject to a willingness to approve, in September 2008, by members of the Planning Committee, subject to conditions and a section 75 legal agreement to ensure that the flats to be provided represent affordable housing for the City of Aberdeen. That agreement has never been concluded and a separate legal agreement with the Council as landowner of parts of the application site also remains to be concluded. Whilst the applicant still wishes to have these agreements progressed, it is considered appropriate and necessary for the Council to now make a further determination and a final decision on the application.

At the time of consideration at Committee in 2008, the applicant had advised that Tenant First Housing Co-operative had expressed interest in acquiring / managing the development. More recently the applicant's agent has advised that it is intended that the site would potentially be developed without any RSL involvement. It is considered that this is a significant change in material circumstances.

### **CONSULTATIONS**

**Roads Development Management** – Advise that the pedestrian access and vehicular access are acceptable, and would be subject to a further proposal for Roads Construction Consent. Request that evidence be submitted that the entire development would be owned/operated by a Registered Social Landlord (RSL) which would allow the reduced car parking standard of 0.8 spaces per unit to be applied. This has not been submitted. As such they have requested that, should planning permission be approved, it would relate to an RSL only, with any other type of housing requiring alternative parking provision. On the basis of the above they have no objection to the application.

**Environmental Health** – No observations.

**Developer Contributions Team** – Advised in 2015 that contributions are required towards secondary education, community and recreation and the core path network. A total of £33,998 is sought (£13,200 for secondary education at St Machar Academy; £14,269 for community and recreation and £6,529 for core paths), which could be provided via a S75 legal agreement. The figures are currently being reviewed due to updated school role forecasts and possible requirement for healthcare contribution and thus the total quoted may be revised before the committee considers this application.

**Communities, Housing and Infrastructure (Flooding)** – No observations

**Network Rail** – No objection in principle, subject to compliance with their technical requirements (e.g. details of changes in ground levels / foundations / demolition in proximity to the rail line).

**Aberdeen International Airport (AIA)** – No objection, but request a condition relating to the submission of a Bird Hazard Management Plan (BHMP) and an informative relating to the use of cranes on site during construction works.

**National Air Traffic Services (NATS)** – No objection.

**Scottish Environmental Protection Agency (SEPA)** – No updated comments to make on the application. SEPA previously objected to the application in 2008 on the basis of lack of information regarding surface drainage.

**Community Council** – No active community council

## REPRESENTATIONS

One letter of support was been received in 2008. This was submitted by Tenants First Housing Co-operative in August 2008 and advised of their interest in considering options of quality affordable housing as part of their strategic development throughout Aberdeen City. They also noted the wider regeneration and environmental benefits of securing a safer and more attractive pedestrian link between Woodside and Tillydrone through development of the site.

## PLANNING POLICY

Scottish Planning Policy (SPP) expresses a presumption in favour of development which contributes to sustainable development. In relation to new housing, planning authorities are required to maintain a 5 year effective land supply. A site is only considered effective where it can be demonstrated that within five years it will be free of constraints and can be developed for housing.

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

OP68 – Western Road: states that there is capacity for approximately 22 residential units and that development on site is constrained by marketability.

#### Policy I1: Infrastructure Delivery and Developer Contributions

Advises that 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 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 development will need to demonstrate that sufficient measures have been taken to minimise the level of traffic generated.

Policy T3: Sustainable and Active Travel

New development must be accessible by a range of transport modes. Existing access rights (including paths) will be protected.

Policy D1: Quality Placemaking by Design

All development must ensure high standards of design and have a strong sense of place.

Policy D2: Landscape

Development will have a strong landscape framework which enhances the setting of the development.

Policy H1: Residential Areas

Within existing residential areas and within new residential developments, proposals for new residential development will be approved in principle if it does not constitute over development, does not have an unacceptable impact on the character or amenity of the surrounding area, does not result in the loss of valuable and valued areas of open space and complies with the Supplementary Guidance in relation to The Redevelopment and Subdivision of Residential Curtilages.

Policy H5: Affordable Housing

Developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.

Policy NE1: Green Space Network

The City Council will protect, promote and enhance the wildlife, recreational, landscape and access of the Green Space Network.

Policy NE6: Flooding, Drainage and Water Quality

Drainage Impact Assessments will be required for new development of 5 or more homes. This should detail how surface and waste water will be managed

Policy R6: Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual, recyclable and composite wastes. Flatted developments will require communal facilities that allow for separate storage and collection of these materials. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Policy R7: Low and Zero Carbon Buildings, and Water Efficiency

All new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. Compliance with this requirement will be demonstrated by the submission of a low carbon development statement.

**Supplementary Guidance (SG):**

- Affordable Housing;
- Infrastructure and Developers Contribution Manual;
- Low and Zero Carbon Buildings; and
- Waste Management
  - Redevelopment and Subdivision of Residential Curtilages

**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.

Notwithstanding the previous resolution of the committee in 2008 to express a willingness to approve the application, due to the extensive passage of time since that consideration of the application (almost 10 years) and the adoption of the new local development plan in 2017, it is considered appropriate and necessary for the Council to now make a further determination against the relevant policies in the 2017 plan and to make a fresh determination based on that assessment.

### **Principle of Development**

The application site is located within a residential area, as identified in the Aberdeen Local Development Plan (LDP). Part of the site is also allocated for up to twenty-two residential units (OP68 – Western Road). Policy H1 of the LDP advises that new residential developments will be approved in principle provided: it does not constitute overdevelopment; does not have an unacceptable impact on the character or amenity of the surrounding area; does not result in the loss of valuable or valued areas of open space, and complies with the associated supplementary guidance.

Whilst the main part of the site is specifically allocated for housing development within the LDP the proposed flatted block would take up a significant amount of the site, with the site also being dominated by car parking, cycle parking and motorcycle parking. The proposal would also result in the loss of an area of open space and garden ground in the southern section of the site. Taking into account the character of the surrounding area and in particular, the relationship and ratio of buildings to open space/garden ground, it can therefore reasonably be considered that the proposal would constitute over development of the site. It would also result in the loss of a valued area of open space and garden ground to the south of the site, which, although within the application site, falls outwith the OP68 site boundary. The proposal, whilst for a site allocated for up to 22 houses in the LDP is therefore contrary to Policy H1 (Residential Areas) of the LDP.

### **Architecture, Design and Placemaking**

The surrounding area is characterised by a variety of property types and styles ranging from single storey to 4 storey with no consistent height or particular pattern of development. The proposed development, at 4 storeys is higher than those in the immediate vicinity and would therefore appear larger and slightly out of character with the immediately surrounding context. However, this height is considered to be acceptable given that there is no consistent building height/settlement plan and given that there is such a variety of building heights in the wider area. However, the massing of the development, such that the main part of the development lacks a street frontage and overlooks / borrows amenity from existing residential property is a significant concern and results in conflict with SG regarding redevelopment of residential curtilages. The proposal therefore conflicts with policy H1. The detailed impact of the proposal on surrounding residential properties is addressed below.

No details in terms of proposed materials have been provided, however these could be controlled via an adequate planning condition. It is envisaged that any materials would respect the character and appearance of the surrounding area.

The submitted site plan shows various minor areas of landscaping, planting and shrubbery within the application site which are of limited extent and functional value. The landscape design is therefore considered to be unacceptable in terms of policy D2. The landscaping would be provided in various pockets throughout the site and would provide very little in terms of amenity for occupants. In order to provide an acceptable standard of design and adequate amenity for occupants, a significantly higher proportion of landscaping would be required, particularly given the loss of existing open space resulting from the development. This could essentially be realised

by reducing the number of flats / footprint of the development and car parking spaces on the site, and avoiding encroachment onto the area of open space and garden ground in the southern section of the site.

Overall, the proposed planting and green space layout is considered insufficient and would not contribute to an acceptable level of amenity space associated with the proposed residential development. It is therefore considered that the proposal has not been designed with due consideration for its context, and would not make a positive contribution to its setting, and therefore conflicts with the general principles of Policy D1 (Architecture and Placemaking) of the LDP. The proposal is therefore considered to conflict with policies D1, D2 and H1 as it results in overdevelopment of the site, particularly given the loss of existing open space and garden ground resulting from the development.

### **Residential Amenity**

It is important to ensure that an appropriate level of amenity is provided within each development and that the level of residential amenity enjoyed by existing residents is not compromised by such development. In addition privacy is something which should be incorporated into proposals. The proposed development does raise concern on a number of points. The proposal does not have a public face to the street, given that it would be located off the end of Western Road and would overlook both a car park and a railway line. It would have the appearance of being shoe-horned into a rather constrained site. Due to the siting and orientation of the building, with bedrooms overlooking the railway and living areas overlooking the car park, the level of amenity enjoyed by prospective residents would be limited. In addition, not all residents would have access to sitting out areas, and the areas of landscaping provided are not particularly useable / extensive. The main external space would be dominated by hard surfacing and car parking. The area along the western boundary would provide a slither of open space, with other area of landscaping incorporating shrubbery and tree planting.

Daylighting and shadowing calculations have been undertaken demonstrating there would be no unacceptable impact on the residential properties located in the surrounding area. The rear gardens of some existing properties in Western Road would be overlooked by the proposed flats, but at a distance in excess of 18m away and at an oblique angle. However, the proposed block at the southern end of the site would directly face onto part of the rear elevation of the existing tenement at Ferrier Gardens. Notwithstanding that a window to window separation distance of about 18m at its closest point and the lack of any objection from residents, it is considered that this would result in a degree of adverse impact in terms of overlooking and loss of privacy for existing residents of 6 Ferrier Gardens who currently enjoy an open outlook to the north. In addition the proposal would result in the direct loss of existing communal garden ground associated with these flats, by its incorporation within the development site. It can therefore be concluded that the development would detract from the amenity of existing residential properties and would conflict with local plan policy H1.

### **Roads and Access**

The proposed access arrangements and parking provision has been arrived at following consultation with colleagues in the Roads Development Management Team, who have advised of their general satisfaction with the scheme, subject to the insertion of a number of conditions, and subject to a Legal Agreement restricting the occupancy of the premises to a Registered Social Landlord (RSL). Notwithstanding the legal obligation which has been drafted, there remains no certainty that the site would be delivered by an RSL. The proposal would include 18 car parking spaces and three motorcycle parking spaces for the proposed 22 flats. This would accord with current Council standards that require 0.8 spaces per flatted property for RSL housing, but would not accord with the minimum standard for mainstream housing. The proposal would include 22 cycle parking spaces and 2 short stay spaces, which meets the standards required within the Transport and Accessibility Supplementary Guidance. Given the proximity of nearby bus routes



and availability of suitable pedestrian and cycle access to the site, the proposal accords with the general principles of either Policy T2 (Managing the Transport Impact of Development) and T3 of the LDP.

The application also proposes upgrading works to the southern approach to the pedestrian underpass which is located to the immediate north of the proposed flatted blocks. This would involve the installation of an access ramp and stairs, partly outwith the application site. This upgrade work is not required as a result of the development and therefore should not be required to be implemented by condition, as it is not necessary to make the development acceptable in planning terms. This work was also proposed when the application was previously presented to Councillors in 2008. Given that part of the land required to implement these works lies outwith the application site and is not under the control of either the applicant or the Council, there is significant uncertainty if the work can be delivered. Whilst the provision of a developer contribution towards implementation of such work by the Council could be sought, the Council has no proposals / project to implement such improvement work as the underpass is owned by Network Rail and such work has not been costed. Further, Roads officers have not indicated that improvement works to the underpass are necessary. Notwithstanding the benefit there may be to the local community of improvements to the approach to the underpass, limited weight can be afforded to the delivery of such work as justification for the wider development.

### **Developer Contributions and Affordable Housing**

The proposed development has been subject to assessment by Aberdeenshire Council's Developer Obligations Team, with contributions payable as noted in the consultation section of this report. The applicants are aware of this requirement, and have intimated their agreement to make the required payments subject to the conclusion of a S75 legal obligation. It should be noted that the Committee resolution in 2008 did not specify any requirement for payment of developer obligations and so this matter is not addressed by the existing draft s.75. Subject to provision of such contributions, the proposal could be considered to accord with Policy I1 (Infrastructure Delivery and Developer Contributions) of the LDP and its associated Infrastructure and Developer Contributions Manual.

The Developer Obligations Team advised in 2015 that contributions are required towards secondary education, community and recreation and the core path network. A total of £33,998 is sought (£13,200 for secondary education at St Machar Academy; £14,269 for community and recreation and £6,529 for core paths), which could be provided via a S75 legal agreement. The figures are currently being reviewed due to updated school role forecasts and possible requirement for healthcare contribution and thus the total quoted may be revised before the committee considers this application.

In terms of affordable housing it is noted that all 22 units would potentially be affordable. The provision of affordable units on site would accord with the general principles of Policy H5 (Affordable Housing) of the ALDP. However, it should be noted that the legal obligation as drafted does not guarantee that the housing would be delivered or managed by a RSL. As the site lies within an area dominated by social housing provision, the provision of other forms of tenure, including private housing would be acceptable in principle given the wider objective of encouraging mixed communities.

### **Low and Zero Carbon Buildings / Water Efficiency**

The application does not include any details to demonstrate how Low and Zero Carbon Generating Technologies / Water Efficiency will be incorporated into the flatted properties, or alternatively how the buildings could achieve deemed compliance with the Council's published 'Low and Zero Carbon Buildings' Supplementary Guidance. It would be necessary to attach an appropriate condition to secure such information should planning permission be approved and to

ensure compliance with Policy R7 (Low and Zero Carbon Buildings and Water Efficiency) of the LDP and associated Supplementary Guidance.

### **Waste Management**

The applicant has provided details for the storage of waste. This is proposed to be located close to the main access to the site on Western Road. The location / capacity of this is considered to be acceptable and has been agreed with colleagues in Waste Management section. Subsequently the proposal accords with Policy R6 (Waste Management Requirements for New Development) and its associated Supplementary Guidance – Waste Management.

### **Flooding**

The Council's Flooding Team have no observations on the proposal. Preliminary drainage calculations were submitted with the application in 2008 but this was found by SEPA to contain inadequate information regarding surface water impact and does not appear to take account of the impact of the proposed car park within the site. No drainage impact assessment has been provided as required by policy NE6 and the SEPA flood map indicates land at that the northern extremity of the site and adjacent land (i.e. the railway underpass) as being at risk of flooding. Although a surface water soakaway is proposed within the site, this appears to conflict with the current design which shows that a car park would be developed in this area. There is no evidence of consideration of use of other more sustainable forms of SUDS and the proposal result in an increase in hard surfacing / reduction in greenspace compared to the existing situation. In the absence of provision of a DIA it cannot be concluded that the proposed development is acceptable in terms of Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP and related guidance. There remains a risk that approval of the development would exacerbate an existing flood risk at the railway underpass. Connections would be required into local networks for foul drainage and separate permissions would be required (such as from Scottish Water).

### **Contaminated Land**

The applicants have submitted a Contaminated Land Assessment due to previous concerns highlighted on the site. The proposal has been assessed by the relevant Council officer, who agrees with the conclusions and recommendations of the submitted report. Remedial works would be implemented during the construction of the development. A condition would be required in relation to the submission of a verification report, to be submitted to, and approved in writing by the Planning Authority. Subject to the above findings and appropriate condition, the proposal accords with the principles of Policy R2 (Degraded and Contaminated Land) of the LDP.

### **SPP Compliance**

For the reasons set out above (i.e. overdevelopment / loss of open space / garden ground / inadequate information) the development is not considered to contribute to sustainable development. As the site is identified as being constrained, approval of the development would not contribute to the 5 years housing land supply. In any event it is considered that sufficient land has been identified / approved for housing development elsewhere within the Aberdeen market area so that there is no shortfall in the 5 year land supply. No clarity has been provided by the applicant regarding the type of affordable housing envisaged and no confirmation has been provided that the site would be developed by an RSL. Therefore limited weight can be given to SPP as a justification for approval of the application contrary to the ALDP.

### **Conclusion**

The proposed development is considered to be unacceptable as it would constitute over development of the site, would result in the loss of a valued area of open space, would detract from existing residential amenity, would result in insufficient amenity space being afforded to prospective occupants and would potentially exacerbate an existing flood risk.

### **Determination Delay**

The issuing of the decision notice, in accordance with the original committee resolution in 2008 has not occurred. This is due to the need to secure legal agreements with the Council, both as landowner and as planning authority. Whilst draft legal obligations have been progressed, at the time of writing, both agreements remain to be concluded. Progression of work on conclusion of the s.75 agreement had been deferred due to the need to firstly conclude the separate legal agreement with the Council as owner, as it was originally intended to sell the land within the site owned by the Council to the applicant.

## **RECOMMENDATION**

### **Refuse**

## **REASONS FOR RECOMMENDATION**

1. The proposal fails to accord with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan, in that the proposal would result in adverse impact on existing residential amenity (by reason of loss of existing garden ground / open space and overlooking of existing residential property) and constitutes overdevelopment of the site by reason of the excessive scale (footprint) of the proposed development, the resultant loss of public open space and communal garden ground in the southern section of the site in contravention of policy NE3 (Urban Green Space);
2. The proposal fails to accord with Policy D1 (Quality Placemaking by Design) and D2 (Landscape) of the Aberdeen Local Development Plan, as it would not afford an acceptable level of amenity to occupiers of the premises, would provide insufficient outdoor amenity space / soft landscaping and would see an area to the front of the building dominated by hard surfacing / car parking.
3. Insufficient information has been submitted in order to assess the proposal. In the absence of provision of a Drainage Impact Assessment it cannot be concluded that the proposed development is acceptable in terms of Policy NE6 (Flooding, Drainage and Water Quality) of the Aberdeen Local Development Plan and related guidance. There remains a risk that approval of the development would exacerbate an existing identified surface water flood risk at the railway underpass.

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