

# 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 27 November 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, 6 DECEMBER 2018 at 10.00 am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **BUSINESS**

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 1 November 2018 - for approval (Pages 9 - 16)
- 4.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 8 November 2018 - for approval (Pages 17 - 20)
- 4.3 Minute of the Planning Development Management Committee Public Hearing of 11 October 2018 - for approval (Pages 21 - 40)

## **COMMITTEE PLANNER**

- 5.1 Committee Planner (Pages 41 - 42)

## **GENERAL BUSINESS**

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

- 6.1 Modification of Planning Obligation of Planning Permission in Principle Ref: 110786 for a sustainable mixed use community, for approximately 900 residences, business and community facilities, with associated infrastructure including footpath and cycle links to the river as well as a new spine road with access from the A947 - Davidson Mill (Pages 43 - 48)

Planning Reference:- 181688

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

<https://publicaccess.aberdeency.gov.uk/online-applications/> and please enter planning reference 181688

Planning Officer: Dineke Brasier

- 6.2 Modification of planning obligations associated with P140272 - Friarsfield Road/Kirk Brae, Land to the North, Cults (Pages 49 - 52)

Planning Reference:- 181749

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

<https://publicaccess.aberdeency.gov.uk/online-applications/> and enter planning reference 181749

Planning Officer Nicholas Lawrence

- 6.3 Change of Use of existing stable building as a dog hotel with associated alterations including the installation of windows, doors and cladding with mesh panels; security fence and other associated works - Aberdeen Pet Resort - Culter House Road Aberdeen (Pages 53 - 64)

Planning Reference:- 181460

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

<https://publicaccess.aberdeencity.gov.uk/online-applications> and enter planning reference 181460.

Planning Officer: Jamie Leadbeater

- 6.4 Change of use from class 4 (offices) to class 7 (hotel) comprising 106-beds and associated external works - Custom House, 28 Guild Street Aberdeen (Pages 65 - 74)

Planning Reference:- 181532

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

<https://publicaccess.aberdeencity.gov.uk/online-applications> and enter planning reference 181532

Planning Officer: Matthew Easton

### **DATE OF NEXT MEETING**

- 7.1 Thursday 24 January 2019

To access the Service Updates for this Committee please click [here](#)

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

Please note that Daniel Lewis, Development Management Manager, 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, Committee Officer, on 01224 522123 or email [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.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, 1 November 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor; 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=6268&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.**

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 20 SEPTEMBER 2018

1. The Committee had before it the minute of the previous meeting of 20 September, 2018, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 27 SEPTEMBER 2018

2. The Committee had before it the minute of the Planning Development Management Committee visits of 27 September 2018, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE PLANNER

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

**The Committee resolved:-**

to note the information contained in the Committee report planner.

### LAND AT CULTER HOUSE ROAD - 181220

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

That the application for the erection of five detached dwellings with associated infrastructure and landscaping, at the land at Culter House Road Aberdeen, be approved conditionally with a legal agreement, subject to the following conditions:-

- (1) No works in connection with the development hereby approved shall commence unless a sample and specifications of 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.
- (2) No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse 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; and
  - 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 Resources for New Development.

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.

- (3) No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following.
  - a. Risk assessment of potentially damaging construction activities;
  - b. Identification of "biodiversity protection zones";
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

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- d. The location and timing of sensitive works to avoid harm to biodiversity features
- e. The times during construction when specialist ecologists need to be present on site to oversee works;
- f. Responsible persons and lines of communication;
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h. Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP. Reason: In the interests of protecting the biodiversity of the environment.

- (4) 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.
- (5) 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:
- 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 method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained;
  - e. 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

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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.

(6) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed within the Drainage Impact Assessment (Cameron + Ross – July 2018 Ref: A/02279) and the Technical Addendum – Flooding Assessment (Cameron + Ross – August 2018 – Our Ref: 181220-01) or such other plan or document as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained;

(7) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

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

**The Committee resolved:-**

to approve the application conditionally with a legal agreement.

**1 QUEENS LANE SOUTH - CHANGE OF USE OF FIRST FLOOR FROM CLASS 4 (BUSINESS) TO CLASS 11 (ASSEMBLY AND LEISURE) - 181469**

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

That the application for the change of use of the first floor from Class 4 (Business) to Class 11 (Assembly and Leisure), at 1 Queens Lane South, Aberdeen, be approved subject to the following conditions.

**Conditions**

(1) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the premises shall not be used for any of the

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following purposes within Use Class 11, without an express grant of planning permission from the Planning Authority:

- Cinema
- Concert Hall
- Bingo Hall
- Casino
- Dance Hall or Night Club

Reason: the uses noted above pose the risk of causing additional and unacceptable harm to residential amenity than other uses in Class 11, thus an express grant of planning permission for those uses would allow the Planning Authority to consider the implications of any subsequent change of use on the amenity of the area.

- (2) That no amplified or non-amplified music shall be used within the fabric of the main building other than that used as background music, which must be inaudible at the façade of the nearest residential properties;

Reason: to preserve the existing amenity of surrounding properties.

- (3) That prior to the use hereby approved commencing, the cycle stands as shown on approved drawing 1392/P/00/XX/004/A, shall have been provided and made available for use.

Reason: to promote sustainable transport methods.

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

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

to approve the application conditionally.

## **2 PARK BRAE - ERECTION OF TIMBER SCREEN FENCING AND ADDITION OF SECURITY FEATURES - 181248**

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

That the application for the erection of a timber screen fencing to the front, side and rear (behind a granite wall) and addition of security features within site, at 2 Park Brae Aberdeen, be approved subject to the following condition:-

### **Condition**

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That no works relating to the approved northwest boundary fence shall take place unless the existing unauthorised metal security fixture on the northwest boundary has been removed in its entirety.

Reason: to prevent the unauthorised metal security fixture being incorporated into this approved development and in the interests of visual and residential amenity.

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

**The Committee resolved:-**

to approve the application conditionally.

**BOYNE VILLA - ERECTION OF STORAGE SHED - 181545**

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

That the application for the installation of modular building with associated works, at Boyne Villa Aberdeen, be approved conditionally.

Councillor Nicoll spoke as local member in regards to the application and requested that members consider a site visit before determining the item, as he had concerns in relation to the local amenity and the impact of noise, light and dust produced from the site.

**The Committee resolved:-**

to defer consideration of the item in order for a site visit to be carried out on Thursday 8 November.

**CONFIRMATION OF TREE PRESERVATION ORDER NUMBER 255/2018  
MALCOLM ROAD - PLA/18/177**

8. The Convener notified members that this item had been withdrawn from the agenda.

- **Councillor Marie Boulton, Convener**

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 8 November 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Boulton, Convener; and Councillors Cooke, Copland, Donnelly, the Depute Provost (as substitute for Vice Convener Councillor Jennifer Stewart), Greig, Avril MacKenzie, Malik and Stuart (as substitute for Councillor Cormie).

Also in attendance as local members at the site visit:- Councillors Flynn and Nicoll.

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

**<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=6228&Ver=4>**

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### **BOYNE VILLA, OLD STONEHAVEN ROAD ABERDEEN - 181545**

1. With reference to article 7 of the Planning Development Management Committee of 1 November 2018, whereby it was agreed to hold a site visit before determining the item, the Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the installation of a modular building with associated works at Boyne Villa, Old Stonehaven Road Aberdeen, be approved subject to the following conditions:-

#### **Conditions:-**

- (1) That all planting, seeding and turfing comprised in the approved scheme of landscaping, shall be carried out in full by December 31 2018, with the exception of the seeding which shall be carried out by 30 April 2019, all or as otherwise agreed in writing with the Planning Authority – in the interests of amenity in the area;
- (2) That any trees, plants, or seeding including those existing trees along the east elevation of the site (area TG2 in the site plan attached to application 161164/DPP), which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, or in the case of seeding, does not successfully self-seed, shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or existing, 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;
- (3) That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority, a scheme for the protection of all

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trees to be retained on the site during construction works, and this shall be implemented and measures shall remain in place for the duration of the works - in order to ensure adequate protection for the trees on site during the construction of the development.

- (4) That no external lighting shall be installed on site other than in accordance with a scheme and details that have been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of residential amenity and road safety;
- (5) That no development shall take place unless a scheme of all drainage works as shown on the approved plans, or such other as is subsequently submitted to and approved in writing by the Planning Authority, has been installed in complete accordance with the said scheme and thereafter no part of the development shall be brought into use unless the drainage is in place and fully operational- in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained;
- (6) Vehicle parking and turning areas shall not be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic;
- (7) That prior to shed being brought into use details shall be submitted to and approved in writing by the Planning Authority of measures for the prevention of pollution including in association with the drainage and spillages occurring from the inspection pit in the shed. The pit shall not be used unless such measures are in place and fully operational – in the interests of the prevention of pollution.

The Committee heard from Lucy Greene, Senior Planner, who summarised the application and answered various questions from members.

**The Committee resolved:-**

to approve the application conditionally with additional matters covered by conditions. Firstly to read “That the vehicular entrance gates shall remain open at all times when the site is in operation – in the interests of road safety”, and secondly that additional screening would be added to the fence, so that it forms a complete visual barrier. The wording of the conditions to be agreed by Officers.

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 11 October 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; and Councillors Allan, Cooke, Copland, Greig, Avril MacKenzie and Malik.

Councillors MacGregor and Samarai were in attendance as Ward Members.

The agenda and reports associated with this minute can be found at:-  
<https://committees.aberdeencity.gov.uk/documents/g6510/Public%20reports%20pack%2011th-Oct-2018%2009.30%20Planning%20Development%20Management%20Committee.pdf?T=10>

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

### DECLARATIONS OF INTEREST

1. There were no declarations of interest intimated.

### **RESIDENTIAL DEVELOPMENT COMPRISING 302 FLATS OVER 4 AND 5 STOREYS, ASSOCIATED INFRASTRUCTURE, ACCESS ROADS AND LANDSCAPING - WELLHEADS ROAD DYCE ABERDEEN - 181050/DPP**

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

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

With reference to article 2 of the meeting of the Planning Development Management Committee of 16 August 2018, the Committee had before it a report by the Chief Officer – Strategic, Place, Planning, which (1) advised that the Council's adopted guidelines required that where a planning application had been the subject of more than 20 objections and was a development in which the Council has a financial interest, a report to Committee was triggered to seek a decision on whether or not a public hearing should be held; (2) indicated that the Committee resolved to hold a discretionary public hearing in respect of the application for 302 flats at Wellheads Road in Dyce, Aberdeen; and (3) provided background information on the proposal for the purposes of the hearing and explained that at this stage no assessment of the merits or failings of the proposal was made in the report.

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The Committee heard from the Convener who opened up the hearing by welcoming those present and providing information on the running order of the hearing. She explained that the first person to address the hearing would be Mr Matthew Easton and asked that speakers adhere to their allocated time in order for the hearing to run smoothly and in a timely manner.

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

Mr Easton explained that the application related to a site within Stoneywood Industrial Estate which can be divided into four elements – a cleared brownfield site, a car park, an area of landscaping and Wellheads Road which was a private non-adopted road but available for public use. He indicated that the cleared site was formerly home to a multi-storey car park and BP's Excel Leisure Club. The car park beside Stoneywood Road has around 60 spaces and was leased by the Council to BP and was currently in use. To the north was a mix of commercial and residential uses, to the east are industrial units, to the south was the car park associated with the BP headquarters building and to the west was Stoneywood Road and the Aberdeen to Inverness railway.

Mr Easton outlined the proposal advising that detailed planning permission was 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 flat sizes with the majority being one or two bedrooms and a smaller number of three and four bedrooms. Hard and soft landscaping would be provided between the blocks, with a grassed open play area and two equipped play areas also provided.

Mr Easton intimated that 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 were proposed plus 4 car club spaces.

Mr Easton outlined the main policy considerations which would need to be taken into account in assessing the application, as follows:-

- Scottish Planning Policy (SPP) indicated that proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan was maintained and that SPP and the presumption in favour of development that contributes to sustainable development would be material considerations;
- Planning should take every opportunity to create high quality places by taking a design-led approach, taking a holistic approach that responded to and enhanced the existing place while balancing the costs and benefits of potential opportunities over the long term;

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- Planning should support development that was designed to a high-quality, which demonstrated the six qualities of successful place (distinctive, safe and pleasant, welcoming, adaptable and resource efficient, easy to move around and beyond);
- SPP highlighted that Design was a material consideration in determining planning applications. Planning permission may be refused and the refusal defended at appeal or local review solely on design grounds. Bringing that together, SPP required that the planning system should direct the right development to the right place.

Mr Easton referred to the Scottish Government Policy document Designing Streets which steered residential street design towards place-making and away from a system focused upon the dominance of motor vehicles.

Mr Easton made reference to the Aberdeen Local Development Plan (2017), and explained that in the adopted local plan, the site was zoned as mixed-use area where Policy H2 applies. It stated that applications for development or change of use within such area must consider the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new housing was proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity.

He advised that the area of grass embankment and trees on the west side of the site was zoned as Green Space Network. In such areas policy required the Council to protect, promote and enhance the wildlife, access, recreation, ecological and landscape value of the Green Space Network. Proposals for development that were likely to destroy or erode the character and/or function of the Green Space Network would not be permitted.

He intimated that Policy H3 (Density) stated that an appropriate density of development would be sought. All residential developments over one hectare must meet a minimum density of 30 dwellings per hectare but in doing so must have consideration of the site's characteristics and those of the surrounding area; create an attractive residential environment and safeguard living conditions within the development; and consider providing higher densities in the City Centre, around local centres, and public transport nodes.

He advised that Policy H4 (Housing Mix) requires that developments of more than 50 units need to achieve an appropriate mix of dwelling types and sizes, including smaller 1 and 2 bedroom units.

On open space, the Council would require the provision of at least 2.8ha per 1,000 people of meaningful and useful open space in new residential development. Public or communal open space should be provided in all residential developments, including on brownfield sites.

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

Mr Easton advised that Policy T2 on Managing the Transport Impact of Development requires that new developments need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

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

Mr Easton indicated that with the site being adjacent to the airport, Policy T5 which deals with noise was relevant. It stated that in cases where significant exposure to noise was likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application. Housing and other noise sensitive developments would not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.

Policy B4 on Aberdeen Airport addresses aircraft noise specifically and indicated that applications for residential development in areas where aircraft noise levels were in excess of 57 decibels, as identified on the airport noise contour map would 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. Mr Easton advised that in this case the site was well within the 57-decibel contour and straddles the higher noise level 60-decibel contour. The 57dB contour was significant as it was the point which government and the Civil Aviation Authority consider community annoyance becomes significant in relation to noise exposure.

Mr Easton explained that the Scottish Government Planning Advice Note on Noise promoted the principles of good acoustic design and a sensitive approach to the location of new development. It promoted a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life was not unreasonably affected, and that new development continued to support sustainable economic growth.

Mr Easton indicated that the issues which may be relevant when considering noise in relation to a development proposal include:-

- The type of development and likelihood of significant noise impact;
- The sensitivity of the location and existing noise level and likely change in noise levels; and
- The character of the noise, its duration, frequency of any repetition, and time of day the noise is likely to be generated.



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Mr Easton advised that when considering applications for a new noise sensitive development close to an existing noise source, the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future were likely to be relevant, as will the extent to which it is possible to mitigate the adverse effects of noise.

Mr Easton explained that on residential development, it stated that it was preferable that satisfactory noise levels could be achieved within dwellings with the windows sufficiently open for ventilation, however local circumstances, particularly relating to the existing noise character of the area, should influence the approach taken to noise levels with open or closed windows. It may be appropriate to take a different approach to noise levels in different areas and that sound levels in gardens and amenity areas may also need to be considered in terms of enabling a reasonable degree of peaceful enjoyment of these spaces for residents.

Mr Easton made reference to several other policies in the local development plan which were listed in the report and which would apply in considering more detailed aspects of the development such as landscaping, developer obligations, flooding and drainage and waste management.

In terms of consultations, Mr Easton advised that Dyce and Stoneywood Community Council had objected on the basis that they consider the development to be unsympathetic to the surrounding area, that parking provision was not adequate and that the proposed flats would have a poor level of amenity.

He advised that the Council's Environmental Health service had objected as it was not satisfied that future residents of the proposed development would be suitably protected from environmental noise at the development under all reasonable circumstances and was therefore unable to support the application.

He intimated that other consultees had provided largely technical advice which was listed within the report.

Mr Easton advised that a total of 323 representations had been received, of which 283 of these object to the proposal and 36 were in support. In summary the objections originated from those living in Dyce and related to:-

- The scale, layout and design;
- The level of amenity available for future residents;
- The impact of the development on the amenity of existing uses;
- The impact on public services and infrastructure; and
- The impact on the road network and parking provision.

Mr Easton advised that the main matters raised by those in support were:-

- More affordable housing was required in the city;

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- The development was considered to be suitably designed; and
- The development was in a good location.

In conclusion, Mr Easton explained that a full list of the specific points raised in the representations were contained within the report.

The Committee then heard from **Scott Lynch, Senior Engineer, Roads Development, Strategic Place Planning** on aspects of the application.

Mr Lynch advised that there were 302 flats proposed, and that the Supplementary Guidance required 120 cycle spaces, 38 motorcycle and 242 car parking spaces.

He indicated that the applicant proposed to provide 302 cycle spaces (182 over-provision), 19 or 20 motorcycle spaces, which were acceptable as the Council's standards were particularly onerous in this regard, 194 car parking spaces plus 3 car club spaces or 178 car parking spaces plus 4 car club spaces, depending on which document submitted was accurate.

He advised that the preference would be for 3 car club spaces with the associated larger parking provision as car club could offer an accessible alternative to private car ownership, however, there was a point of diminishing returns where it would cease to be effective. For this reason, the preference would be 3 car club spaces plus 194 regular spaces. He intimated that if the car club then proved to be under-utilised (and removed), then the development site would not be left with a large shortfall in parking.

Mr Lynch advised that in relation to the car club, a large over provision of cycling would be of no concern to Roads, however when these over-provisions were used as a justification for permitting a shortfall in parking, then that would be a concern.

He intimated that there were diminishing returns with these measures and explained if the applicant were to reduce the level of parking proposed, then that would both reduce the level of parking required, as well as yield more space upon which to provide parking. A large amount of parking was proposed for Wellheads Avenue, and Roads would typically not be in favour of so much parking off a road such as this, however as it is within the applicants red line boundary and not proposed for adoption, then there would not be an objection, however, the road should still be fit for purpose and adequate geometry would be required in terms of the standards.

Mr Lynch advised that the internal road reduced below 6 metres in areas, therefore this should not be permitted where there was perpendicular parking.

He intimated that a footway would be required on Wellheads Avenue and the applicant's plans show that this has been removed.

Mr Lynch explained that the site was bound on all sides by internal and external roads (90m North, 75m East, 160m South and 75m West). Traffic calming would be required to prevent any continuous stretch being in excess of 60m. The swept paths showed there

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to be overlapping between the refuse vehicle and oncoming traffic, as well as the 250mm buffer at the edge of the carriageway being crossed. Therefore, revised swept paths were required.

Mr Lynch concluded by advising that concerns were noted regarding emergency service vehicles not being able to get to within 45m of all points within all dwellings, which was a requirement.

The Committee then heard from **Mark Nicholl, Environmental Health Officer, Operations** who provided details on aspects of the application.

Mr Nicholl advised that the Environmental Health Service was a statutory consultee to the Planning Service and therefore considers planning applications in the context of relevant development policies with the aim of protecting public health. In any application where development proposals may have an adverse impact, Environmental Health would advise the Planning Service with reference to any relevant policies and standards for their consideration of the application overall.

Mr Nicholl indicated that the Environmental Health Service assessed the detailed planning permission application, which included a review of relevant documentation and resources and a visit to the area. Additionally, a review of their complaint database advised 30 aircraft noise complaints had been received by this Service since 1st January 2013. The Civil Aviation Authority was however the relevant enforcing authority for aircraft noise exposure.

Mr Nicholl advised that from the assessment, it was evident the proposed development site was located 360 metres to the east of the Aberdeen International Airport and immediately adjacent to the A947 also to east of the site.

Mr Nicholl explained that in relation to aircraft noise, the UK Government states that communities become significantly annoyed by aircraft noise above 57dB LAeq. With the parameter LAeq or the Equivalent Continuous Sound Level, essentially being the average noise level in decibels over a given time period typically 16 hours. This was reflected in the Planning Policy B4 on Aberdeen Airport and development proposals in areas where aircraft noise levels were in excess of 57dB LAeq.

Mr Nicholl indicated that the site location was established on the relevant noise contour map produced by the Civil Aviation Authority (CAA). Essentially, every four years, the CAA produces contours which estimate the average aircraft related noise experienced by people living around Aberdeen International Airport. The contours were derived from the common international measure of aircraft noise, the summer 16-hour dB LAeq measurement. This provided average noise levels for the busiest 16 hours of the day, between 0700 – 2300 hours over the busiest three months of the year, from mid- June to mid-September.

Mr Nicholl indicated that on the most recent 2016 contour map, the site straddles two noise contours. Most of the site falls well within the 57 LAeq 16 Hour Contour with the average noise levels across this portion of the site being considered to vary somewhere

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between 57 to 60. Additionally, a lesser part of the site closer to the airport is located within the louder 60 LAeq 16 Hour Contour.

He explained that the UK Government threshold level of 57dB LAeq was therefore considered likely to be exceeded at the site resulting in significant annoyance. Additionally, the WHO Guideline Values for Community Noise advised that a noise level more than 55 dB LAeq 16 Hour in external amenity areas would cause 'Serious Annoyance'.

Mr Nicholl advised that without effective mitigation, future residents at the external areas of the development were at risk of being impacted upon by Aircraft noise. Additionally, road traffic noise from the A947 was also considered to impact on the site but was less concerning as ground level road traffic noise was easier to mitigate against.

He indicated that the application had been accompanied by a Noise Impact Assessment (Reference: Project Number: 60566497 date: 1 June 2018) associated with the proposed development which was reviewed. The measurement data included within the assessment was obtained between 19 February to 13 March 2018, (excluding days from 28 February to 6 March 2018, due to exceptional weather conditions and snowfall). The residual lying snow was considered to potentially provide greater noise absorbency in the later part of the noise survey. Road traffic levels were 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 was.

Mr Nicholl intimated that the review of the Noise Impact Assessment focused on predicted general noise levels and acute noise incidents throughout daytime and night-time period. Acute noise incidences were considered, those from fixed wing and helicopter flight passes and the associated relevant noise parameter of LAMax. The LAMax parameter essentially being the Maximum Sound Pressure Level in decibels within a measurement period.

He explained, that to put this in perspective, for the period over the three months of the year 2017, from 15 June to 16 September was most likely to be the busiest three months of the year, there were on average 284 daily flights or acute noise incidents at Aberdeen International Airport (AIA).

Mr Nicholl advised that whilst there was no specific data within the noise report advising of the daytime LAMax or maximum sound level experienced from the daytime flights, the report advised the external maximum sound level at night was in range from 69 to 73 dB LAMax.

Mr Nicholl indicated that whilst there was an existing planning permission condition restricting the times of general helicopter flights at the airport, there was no such planning condition restricting fixed wing flight times. It was also understood that since 2005 AIA had operated on a 24-hour basis and only voluntarily adopts Department for Transport

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night-time noise restrictions, which limited noise levels between the hours of 23.00 and 06.00 Hours.

He advised that the review concluded several relevant points, namely:-

- (1) Daytime and Night-time Internal Amenity Average Throughout 16 Hour Day and 8 hour night – In relation to daytime and night-time internal average noise levels, the Noise impact assessment had demonstrated that a reasonable average 16 hour daytime noise level and a reasonable average 8 hour night-time noise level in internal areas may be achieved with suitable mitigation measures including, closed windows and provision of alternative ventilation throughout the development;
- (2) Night-time Internal Amenity Acute Noise incidents - the Noise impact assessment had also demonstrated a night-time internal maximum sound levels (LAFmax) of between 36 to 40 dB at night maybe achieved with suitable mitigation measures including, closed windows and provision of alternative ventilation throughout the development. This complied with the WHO standard for night-time internal maximum sound levels.
- (3) Daytime External Amenity Average Throughout 16 Hour Day – in relation to the external amenity areas, the noise impact assessment advised an average 16 hour daytime noise level limit of 55 dB (LAeq 16 Hour) was acceptable and that minor exceedances of this level may occur and would also be considered acceptable. The WHO Guideline Values for Community Noise advised such a noise level would cause 'Serious Annoyance'. For new developments the WHO guidance advocated an average 16 hour daytime noise level limit for external amenity areas of 50 dB (LAeq 16 Hour) to be more appropriate. The report had not therefore demonstrated compliance with the requirements of the relevant WHO Guideline Value for Community Noise and provision of a reasonable level of outdoor amenity would be achieved throughout the day.
- (4) Daytime Internal and External Amenity – Acute Noise incidents – In relation to acute noise incidents from both fixed wing and helicopter passes impacting on the internal living areas and external amenity areas of the proposed development site during the day, these were considered numerous and intrusive in particular at peak times of activity. The noise impact assessment had not demonstrated how acute noise incidents would be mitigated against to help provide a reasonable level of internal and external amenity.
- (5) Alternative Runway Usage - It was understood that during certain weather conditions and wind direction, an alternative runway 32 was used for helicopter traffic with potential for periods of hovering before landing. This was 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 had been included within the assessment.

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Mr Nicholl referred to the consultation response from the Service on the 18 July 2018 for these reasons the Environmental Health Service was not satisfied that future residents of the proposed development would be suitably protected from environmental noise at the development under all reasonable circumstances.

The Committee asked a number of questions from officers in relation to noise levels particularly in relation to the development's proximity to the Airport; parking in the vicinity; access for emergency services; design, scaling and positioning of the housing blocks; education/schooling capacity forecast details, NHS services and traffic and road safety issues.

Members of the Committee suggested that officers provide details in relation to (1) car club and bicycle uptake for social housing; (2) whether additional double yellow lining would be required to prevent emergency service vehicles being blocked by rogue parking; (3) disabled bay numbers, whether 3 spaces or 6% of the total number of spaces, whichever is greater was required; (4) the number of electric charging points required for standards in the Supplementary Guidance; and (5) whether the north east flatted properties on Wellheads Avenue had been evaluated as part of the Noise Impact Assessment.

The Committee then heard from the applicant **Steve Keenon, First Endeavour LLP** on aspects of the application.

Mr Keenon advised that he and his colleague Paul Gee had worked with Aberdeen City Council to bring forward joint proposals to build and develop Social Housing on this site.

He indicated that First Endeavour was committed to bringing forward social and affordable housing across Scotland and presently they had in excess of 700 Affordable Homes either being built or in the planning process.

He intimated that in Aberdeen they had worked with the Council and the community to bring forward 138 homes at St Machar which was under construction and a second phase of 34 homes was currently awaiting approval from planning.

Mr Keenon explained that socially affordable and Council Housing was not just a matter of finding a site and building, it was about creating a development that would integrate not alienate the existing Community. An example of that was the two phases at St Machar, both of which received full community support.

He advised that he attended the Community Council meetings at Tillydrone and listened to what they wanted and provided a secure children's play area that the whole community could use. A further Community wish was for a Dennis Law all weather floodlit football pitch which they were happy to provide as part of the development on phase 2 and that they had also provided three Co-Wheels cars.

He explained that by incorporating and funding these facilities as part of their developments, it strengthened the community and immediately integrated the new tenants and provided an enormous physical and mental health boost for all.

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Mr Keenon advised that in every development, they worked closely with Council Departments and in Aberdeen they started assessing a site by speaking to the Housing Department to understand what the need was on the housing waiting list, which was then reflected the demand for homes in their design.

He intimated that they would then assess school rolls, transportation links and existing facilities, which was where they were today in the form of their planning application for 302 Council Houses at Wellheads Drive.

Mr Keenon explained that unlike other areas of Aberdeen, Dyce had very few Council housing developments and following discussions with Aberdeen Housing Department, they understood that there was a requirement for increased Social Housing in Dyce and across the City and 302 homes would reduce the waiting list considerably.

He advised that the intention for this development was to build 302 homes and sell them to Aberdeen City Council for use as Social Housing as part of the Council House new build program.

He explained that the development reflected the desperate need for Council Housing in Dyce which would provide one bedroom homes for those just starting their career, two bedroom homes for those with a child, and three and four bedroom homes with their own front door and garden for those with larger families.

He indicated that they also had ground floor homes for the disabled and a provision within the development to meet a requirement to support the Armed Forces by adapting a minimum of three homes for those who have been injured in service.

He advised that this development would satisfy some of the need to give newly qualified Teachers and Nurses a quality home at a social rent which would enable them to feel secure in their chosen profession.

He indicated that Scottish Government statistics continuously prove that access and availability of low cost quality housing reduced the pressure on filling Key Worker Jobs.

He explained that Dyce was a commercially successful part of Aberdeen which supported a satellite Global Headquarters for BP employing over a thousand people, a global hub for Halliburton and an International Airport, but there were many people who could not afford to buy but were attracted to Dyce for the employment opportunities.

He intimated that all political parties had signed up to delivering 2000 Council Houses in Aberdeen and the Scottish Government were committed to helping councils throughout Scotland to deliver at least 50,000 affordable homes by 2021.

Mr Keenon advised that many of the objectors to their development agreed that there was a desperate need for Council Housing, but did not want it on their own doorstep.

He indicated that based on Schooling figures provided by the Education Service, the site was within the catchment area for Dyce Primary, factoring the development into the 2017 School Roll forecasts and would not result in the school going over capacity.

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He made reference to Environmental Health objecting to the proposal in terms of the 'Potential' to be affected by existing noise sources such as Aircraft noise associated with Aberdeen Airport which was approximately 360 metres to the West of the site and an element of Road Traffic noise from the A947 adjacent to the west of our site, however they had consulted experts who could assure members and planners that noise was definitely not an issue.

He advised that only three objectors had mentioned aircraft and road noise in their submissions.

Mr Keenon indicated that Aberdeen International Airport had been fully consulted with the planning application did not object to the development despite policy B4 being 'Intended to meet the needs of safeguarding the future operations of Aberdeen International Airport'.

He advised that NATS had also been fully engaged and consulted and did not object and had provided information on how many aircraft lights they would wish to incorporate on the roof of the buildings.

He explained that a child playing in one of the four safe play outdoor areas would encounter a lower decibel level from a Boeing 737 Jet landing or taking off than they would when they return to their own home to watch television.

He indicated that the site was zoned as mixed use and already had planning approval for over 100,000 sq ft of offices and over 300 car parking spaces.

He advised that objectors had raised traffic congestion as a possible issue however the consented office block would create more traffic congestion at the peak hours of early morning and late afternoon than the proposed residential development. He also indicated that Transport Scotland's own traffic flow figures for the Wellheads Roundabout had shown a reduction of 23% for HGV traffic and 14% for cars and vans once the AWPR was opened.

He advised that there was an option to increase electric car club cars from four to seven, however the Council indicated that there was only a requirement for three. These electric cars with on site electric charging points would be the cars that teachers and nurses would use to travel to work at an extremely low cost to them. Environment and extra electric cars would reduce the carbon footprint and reduce the need for large areas of tarmac on the development which could be used for more green space and community areas.

He indicated that he would continue to work with the planning department to lower Aberdeen's Carbon Footprint and increasing the number to 7 inclusive of charging points would respect the decision made by elected members in September to help reduce emissions.

He intimated that they had listened carefully to those who had objected to the proposal, specifically in relation to the overstretched existing medical facilities within the Dyce area



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and had already spoken to NHS Grampian about their needs and how we could help them deliver facilities in Dyce.

He indicated that Aberdeen City Council had a policy to deliver 2000 Social Homes by 2022 and that the proposed development would provide the Council with an opportunity to deliver 302 of those homes and would help towards addressing an urgent unmet need for social housing across the Aberdeen Housing market area.

He advised that some of the objections from the Dyce public and the Environmental Health Service were not unsurmountable and could be mitigated against.

He concluded by explaining that he would work with officers to mitigate against any objections so that they could deliver Social Housing which would help fulfil the commitment to build 2000 Social houses across Aberdeen.

The Committee then heard from **Ian Fraser, Halliday Fraser Munro**, the applicant's agent who provided further details in relation to the application.

Mr Fraser advised that the development related to a 6 acre brownfield site with open frontages to Stoneywood Road to the west and BP Headquarters to the south.

He explained that there were industrial units to the north and east and beyond them the Stewart Milne and Barratt housing.

He intimated that the site was designated as 'mixed use' in the local development plan and planning consent was granted for 11,500 square metres of office accommodation and 380 car parking spaces, which was approximately twice than what was now proposed and had been marketed unsuccessfully for several years.

In terms of the location, Mr Fraser indicated that this was an exceptional site for residential development, and in particular, social housing, school capacities; employment opportunities; local facilities and the strategic traffic network.

He advised that Dyce Primary's school pupil role was predicted to fall to 62% by 2023 whilst the Secondary School was currently at 72% cap.

He intimated that there were employment areas within close walking distance at Wellheads, Dyce itself and Stoneywood; that local services in Dyce were all within easy walking distance and importantly, the site was adjacent to the Strategic Transport Network (main road and station) with regular city wide and country bus services; and that Dyce Railway Station with commuter and national network links was within a 15 minute walk.

Mr Fraser indicated that Aberdeen City Council's Open Space Audit stated that Dyce had the highest provision of open space of any city ward and this site was within 5 to 10 minute walk to all the Major Open Spaces; Local Open Spaces and Neighbourhood Open Spaces. All these were within the distances stated in supplementary guidance as having a positive environmental impact on the site.

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Mr Fraser advised that the school playing fields, community centre, the Riverside Parklands picnic areas and walks were all within 10 to 15mins walk of the site.

In terms of the layout and design, Mr Fraser advised that this was a prominent site especially when approaching from Aberdeen as the character of development along Stoneywood Road had large buildings similar to BP Headquarters separated by areas of landscaping and dense mature tree belts and the development followed the scale and rhythm of these other buildings.

He intimated that the views of the site from the north and east were obscured by the existing residential and industrial buildings but indicated how the development fitted in with the general scale and character of the area.

He made reference to Scottish Government Documents and the Local Development Plan which listed the qualities needed to create a successful place and explained that they had followed this guidance. Shelter sunshine and safety were three of those qualities which they had focused on.

He advised that noise was a factor which they recognised could affect the success of these aims and AECOM, one of the countries leading noise consultants were engaged as part of the design team from the outset. This resulted in environmentally aware buildings which shelter each other and the open spaces between them, not just from weather and prevailing winds but also noise.

He explained that the buildings were laid out on a north south axis creating sheltered linear parks between the blocks with open southerly aspects. These buildings were between 20 to 24 metres apart with landscaping and footpaths, which for comparison was wider than King Street at 18m wide and Union Street at 20m.

Mr Fraser advised that every property would benefit from sun all year round and from the sun path analysis we know that the open spaces between the blocks would have 12 hours sunshine a day in midsummer and a minimum of 5 hours in midwinter.

He advised that the parks were designed to reflect the different needs and uses of the community with small private gardens for ground floor residents, especially young families, the disabled or the elderly.

Mr Fraser indicated that the housing would be a mix of 1,2,3 and 4 bed flats based on the Council's housing requirements. Ground floor flats would be wheelchair accessible and the majority could be converted to full wheelchair or disabled standards if required.

He intimated that the equipped play and sitting areas, some covered, had been located within the "linear parks" and were the main accesses to the blocks which were overlooked by the flatted properties themselves providing safe secure and sheltered areas.

Mr Fraser advised that to ensure minimum practicable disruption, noise and acoustics were important design inputs. He indicated that they had also engaged with the CAA,

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AAA and NATS throughout the design process and none of these organisations had objected to the application.

He intimated that noise levels in the area were no greater than many other sites in the city in similar locations. For instance, Craiginches had constant noise levels well above 70 dB and it was considered acceptable that the flats there would require windows to be closed to achieve the internal noise levels stated in guidance and policy documents. The same situation would occur on any development adjacent to the main transport routes into the city.

Mr Fraser advised that in their own experiences in North Anderson Drive, Great Northern Road and King Street can confirm this to be the case and advice from WHO BS and Planning Policy stated:-

For traditional external areas that are used for amenity space, it is desirable that the external noise level does not exceed 50dB with an upper guideline value of 55dB. However, it is recognised that these values may not be achievable in all circumstances where development is desirable, such as the city centre or areas adjoining the strategic transport network. In such cases development should be designed to achieve the lowest practicable noise levels in these external amenity spaces.”

He explained that 48% of the amenity areas in the scheme would have levels of 55dB and below and as such, comply with these desired aims. A further 22% had levels just above 55dB which were described as “minor or negligible adverse”. In other words, 70% of the open space was within noise levels that were recognised throughout the country as “levels not likely to be a key decision making issue”.

Mr Fraser indicated that internal noise levels could be achieved in all flats.

He claimed that there were occasions e.g. helicopters passing overhead, when to maintain these levels the window must be shut. They had calculated that the majority of flats would be able to have open windows 5 hours a day outwith these ‘spikes’ without exceeding any noise levels. Those facing Stoneywood Road would be in a similar situation as Craiginches and other developments facing a busy road and would need to close windows to achieve the recommended levels.

He advised that higher densities and open space provision on brownfield sites were matters for debate and discussion.

He indicated that there was 1.2 Ha of open space which was 0.28 Ha below the provision required for a greenfield site and Scottish Planning Policy and the Council’s own local development plan policies encouraged higher densities in the interests of sustainable and efficient land use and maintaining viability and vitality of local services and facilities.

He intimated that they had achieved the correct balance and studying previously approved schemes had shown how it compared favourably with them.

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Mr Fraser listed the Open Space Density developments as follows:

- Wellheads (50%) - 24d/Ha
- St Machar, Tillydrone (45.5%) - 148d/Ha
- Craiginches (41%) - 100d/Ha
- Bannermill (32%) - 148d/Ha
- Kittybrewster (27.5%) - 143d/Ha

Mr Fraser advised that whilst the application complied with the parking requirements and Roads were satisfied with the mix of 3 car club and unallocated parking spaces, they did seek to provide a greater number of the community car spaces. Co-Wheels were supportive of the proposal to install 7 spaces which would serve the wider community and which in conjunction with an overprovision of cycle spaces and the proximity of public transport, would have delivered an exemplar sustainable, low carbon development in line with Local and National Government aims and objectives. He indicated that this approach was not supported but the offer was still on the table.

In conclusion, Mr Fraser intimated that this application was an outstanding example of a sustainable, brownfield site which delivered the levels of housing, open space and amenity that resource efficient and responsible planning objectives were aiming for.

The Committee asked a number of questions from the applicant and their agent and the following was noted:-

- that standard methodology based on guidance was used to address potential noise concerns in the new development;
- that approximately 30% of flats required noise mitigation measures, although all flats would be able to open their windows;
- that drawings would be resubmitted in terms of the middle section of the development to ensure that emergency services have appropriate access to all properties;
- that although key workers living in the development would have access to the car club, it would be available for the whole community to use, with drop off points in the city centre and various other locations;
- that hedging instead of fencing was proposed for the play areas;
- that high level ventilation would be standard for all flats; and
- that a Head of Terms had been submitted to the Council in relation to the social housing aspect of the development

The Committee then heard from **Bill Harrison, Dyce and Stoneywood Community Council** who objected to the application.

Mr Harrison advised that there was a total of 323 representations submitted, of which, 283 (89%) objected to the proposal.

Mr Harrison outlined some of the reasons why the community council were not objecting to the application, he explained that the following were not appropriate:-

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- we do not want council houses in Dyce;
- we object to the social backgrounds of likely occupants of the flats; and
- the development will lower property prices in Dyce.

Mr Harrison then outlined the reasons why the community council were objecting to the application, as follows:-

- opposing the development reflected the views expressed by the majority of the local community of Dyce and Stoneywood;
- we had serious concerns regarding many inconsistencies with the Aberdeen City Local Development Plan (2017);
- the inappropriate scale and massing of a high-density 'inner city' development of multi-storey flats;
- inadequate parking provision;
- poor integration of the development with Dyce village;
- severe pressure on community facilities and services in the village;
- poor amenity for the flats themselves regarding their north-south orientation and airport noise (as identified by Environmental Health);
- un-optimal location in terms of commuting to other parts of the city; and
- the location was not identified as a brownfield or Opportunity Site for residential development in the Local Development Plan.

Mr Harrison indicated that the community council had established a social media (Facebook) page and the reasons submitted for objecting to the application were outlined above, with the main concern being the scale and massing of the five large blocks which was inappropriate and inconsistent with the character of Dyce village.

Mr Harrison outlined the following planning policies which required consideration as follows:-

- H1 (Housing) – overdevelopment, inappropriate scale and massing for suburban site and unsympathetic to low density housing in Dyce Village;
- H2 (Mixed-Use) – adjacent to industrial units, poor residential amenity, north-south orientation and airport noise;
- H3 (Density) – 124 dwellings per hectare (302d/2.44ha) was excessive and it does not create an attractive residential environment;
- Parking: 178 spaces for 302 accommodation units fall well short of ALDP supplementary guidance requirements (302 x 0.8 = 242 based on social housing or approx. 450 for flats). The community council disagree with the applicant that car club spaces would make up the difference resulting in an over spill on to nearby streets; and
- NE4 (Open Space Provision) – 2.8ha per 1000 new residents.

Mr Harrison indicated that although welcome, the proposed £240,000 developer contributions for healthcare would not solve the problem as the number of residents moving in to the area with the new development (approx. 1000) would in fact exacerbate the problem and put further pressure on community facilities.

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He advised that there would be a lack of sunlight in some of the flats, particularly the north side block. He also intimated that the noise from the airport would be difficult to mitigate.

He advised that the road/traffic noise characteristic was different from that of an airport explaining that road noise was consistent, and the airport has short bursts of extreme noise.

Mr Harrison indicated that it would be fantastic if teachers and nurses moved to the area as anticipated, however if they did, they would need to commute to their place of employment, therefore a significant number would be using their own cars adding traffic to the already congested A947.

Members then asked a number of questions of Mr Harrison, and the following was noted:-

- that there was a strong community feel in Dyce village;
- that approximately 7000 people lived in Dyce;
- that the two events at the Marriott Hotel were well attended; and
- that the community council meeting to consider that application was very well attended (approx. 20).

The Committee then heard from **Linda Cox**, resident of Dyce who had objected to the application.

Ms Cox advised that her reasons for objection were as follows:-

- the area was ear-marked for commercial development;
- that there was no consultation with the local community; and
- that too many flats were proposed for the area which will impact on local amenities and other recent developments i.e. Middlefield
  - Medical facilities in area already an issue
  - Local schooling
  - Parking (big issue and impact for all)
  - Community facilities / Play areas (not enough)
  - transport

Ms Cox indicated that parking in the area was currently being used as an additional car park for office workers and enquired where these vehicles would go if the development was given the go ahead. She intimated that cars were also parking alongside the area where the 302 flats were proposed.

She referred to the Council decision that the area proposed for 302 flats was earmarked for commercial use and sought confirmation why this had been revoked.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

11 October 2018

Ms Cox advised that the area was a traffic black spot at peak times of the day and sought answers on what provision had been made for managing this as it took longer to travel from Dyce to Stoneywood than it does from Dyce to Bridge of Don.

She indicated that Doctors were in short supply and local surgeries were at breaking point at present and a number of new developments were already in the process of being built.

Ms Cox enquired as to the capacity at local schools and leisure facilities, which were very poor at present.

Ms Cox advised that Aberdeen City Council had not given due consideration to public opinion and explained that if this was a private development they would not have been granted permission for that many flats in such a small area. She intimated that the area was better suited to terraced family homes with gardens and off-street parking.

She indicated that the new Exhibition Centre would have an impact which would result in additional traffic and parking issues in the surrounding areas.

In conclusion Ms Cox intimated that more consultation with the local community was required, including local services i.e. schools, medical practices and the lack of areas for play and exercise.

In response to a question from Councillor Cooke, Ms Cox advised that if the development was approved, cars in the overspill BP office car park would go to the Burnside area as Riverside and Wellheads Avenue had double yellow parking restrictions.

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

- **COUNCILLOR MARIE BOULTON, Convener.**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**  
11 October 2018



	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>6 December 2018</b>						
4	Former Davidsons Mill/Mugiemoss Road	to approve or refuse the application		Dineke Brasier	Strategic Place Planning	Place	1		
5	Friarsfield	to approve or refuse the application		Nicholas Lawrence	Strategic Place Planning	Place	1		
6	Aberdeen Pet Resort	to approve or refuse the application		Jamie Leadbeater	Strategic Place Planning	Place	1		
7	Custom House	to approve or refuse the application		Matthew Easton	Strategic Place Planning	Place	1		
8			<b>24 January 2019</b>						
9	245 Union Grove	to approve or refuse the application.		Sepi Hajisoltani	Strategic Place Planning	Place	1	D	Delayed from November.
10	Shielhill Road Mundurno	to approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1	D	Delayed from November.
11	Wellheads Dyce	to approve or refuse the application		Matthew Easton	Strategic Place Planning	Place	1		
12	TPO 255 - 2018 - Malcolm Road	There was a previous committee instruction to bring back a report on TPO 248 and 249. These have been combined and will now be TPO 255. to approve or refuse the application.		Kevin Wright	Strategic Place Planning	Place	1	D	Delayed from November.
13	Grandhome Estate	to approve or refuse the application.		Lucy Greene	Strategic Place Planning	Place	1		
14	Land to the North of Sparrows Offshore	to approve or refuse the application.		Roy Brown	Strategic Place Planning	Place	1		
15			<b>21 February 2019</b>						
16	1 Western Road	to approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1		
17									
18			<b>21 March 2019</b>						
19									
20									
21			<b>18 April 2019</b>						
22	Annual Committee Effectiveness Report	To present the annual effectiveness report for the Committee.	May-19		Governance	Governance	GD 7.4		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
23									
24	<b>AD HOC REPORTS (CYCLE DEPENDENT ON REQUIREMENT TO REPORT)</b>								
25									
26									
27									
28									
29			May 2019 Onwards						
30									

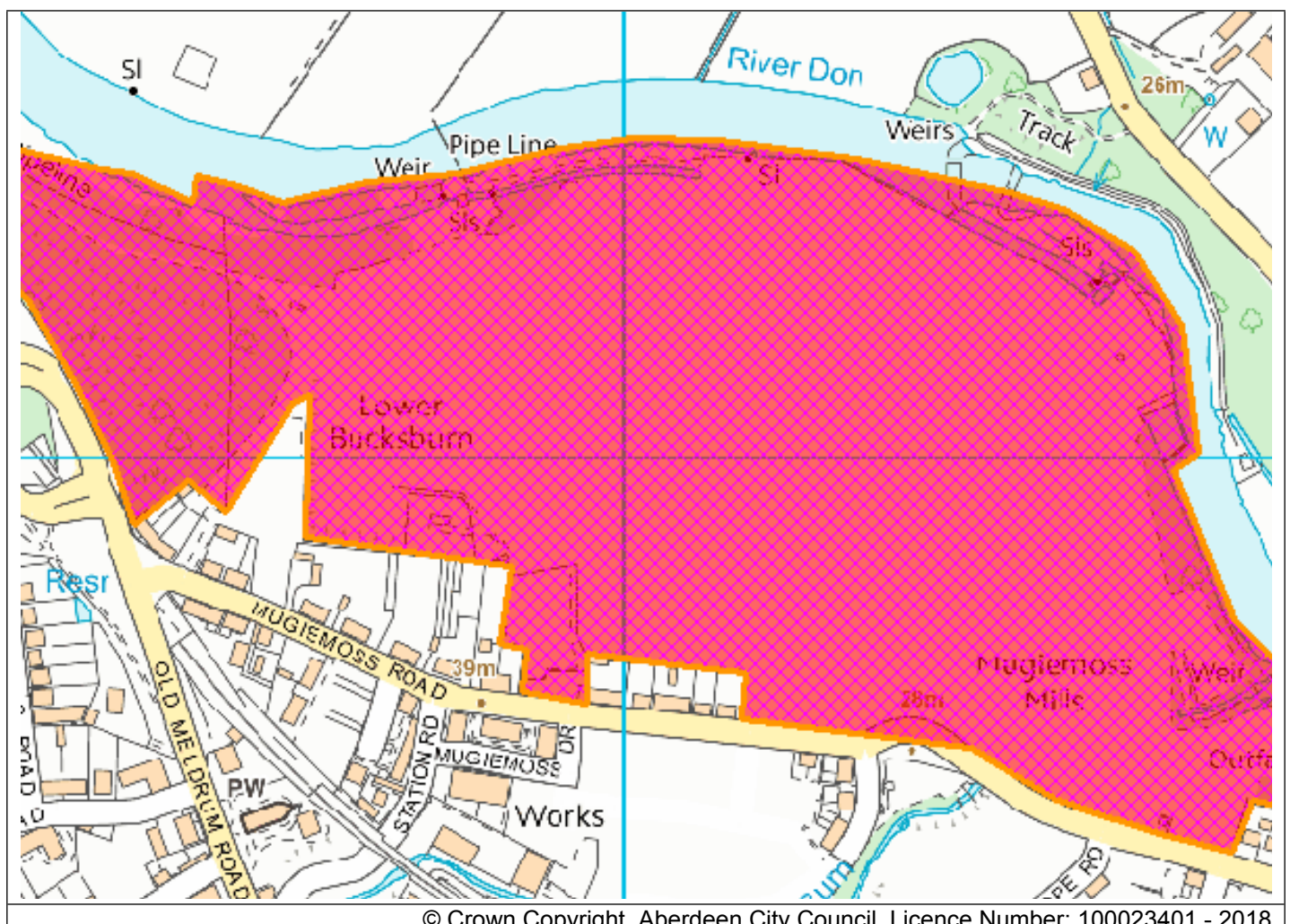


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 6 December 2018

<b>Site Address:</b>	Barratt Development, Mugiemooss Road , Aberdeen, AB21 9NY
<b>Application Description:</b>	Modification of Planning Obligation (to allow additional applications/ variations) of Planning Permission in Principle Ref: 110786 for a sustainable mixed use community, for approximately 900 residences, business and community facilities, with associated infrastructure including footpath and cycle links to the river as well as a new spine road with access from the A947.
<b>Application Ref:</b>	181688/MPO
<b>Application Type</b>	Modification of Planning Obligation
<b>Application Date:</b>	25 September 2018
<b>Applicant:</b>	Barratt North Scotland
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Bucksburn And Newhills
<b>Case Officer:</b>	Dineke Brasier



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**RECOMMENDATION**

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Approve Modification

## APPLICATION BACKGROUND

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### Site Description

The site comprises c.37 hectares to the north of Bucksburn comprising OP16 'Former Davidsons Mill/Mugiemoss Road', as allocated in the 2017 Aberdeen Local Development Plan. Boundaries are roughly: the River Don to the north and east; Goodhope Road and the A96 to the south; and Old Meldrum Road and A947 to the west. The site effectively sees 'northern' and 'southern' parts divided by Mugiemoss Road, which runs centrally from east-west. The Bucks Burn also passes from south-west to north-east discharging to the River Don.

Previously occupied by the Davidson's Paper Mill complex, planning permission in principle (PPiP Ref: 110786), for a residential-led mixed use development of c.900 homes, was approved in December 2011. Details for various phases thereof have been subsequently approved. The residential element to the south of Mugiemoss Road is now nearing completion, with the emphasis of construction moving north thereof.

### Relevant Planning History

110786 – PPiP approved in December 2011 for the redevelopment of the former Davidson's Paper Mill to create a sustainable mixed use community, of c.900 residential units, business and community facilities, with associated infrastructure including footpath and cycle links to the river and a new spine road with access from the A947 to Mugiemoss Road.

Following this approval, various applications for matters specified in conditions (MSC) providing further details of the various development blocks were approved, including:

#### South of Mugiemoss Road

- 120759 approved in January 2013 for the construction of 121 residential units, associated roads and public realm (Block Q);
- 121297 approved in January 2013 for the construction 26 residential units and associated works (Block K);
- 140402 approved in December 2014 for the construction of 30 residential units, parking and associated road (Block O);
- 140403 approved in December 2014 for the construction of 79 residential units, parking and associated roads and landscaping (Block L);
- 141240 approved in December 2014 for the construction of 63 houses and associated infrastructure (Blocks P and part of Q); and
- 151624 approved in July 2016 for the construction of 13 flats (Block K);

#### North of Mugiemoss Road

- 160602 approved in September 2016 for the construction of 40 dwellings in Phase 2A;
- 151974 approved in April 2016 for the construction of 251 residential units in Phase 2B;
- 151976 approved in November 2016 for the construction of 94 dwellings in Phase 2F;
- 160198 approved in November 2016 for the construction of 45 dwellings in Phase 2G;
- 180705/MSC approved in August 2018 for the construction of 82 dwellings in Phase 2C and part of Phase 2D

A further pending application (Ref: 180079/S42) seeks to amend conditions 8 and 9 of PPiP 110786, allowing for an increase in the number of residential units which can be completed and occupied, from 375 to 470, prior to the opening of the link road through the northern part of the site connecting Mugiemoss Road to the A947 and alterations to the existing Mugiemoss Road/ Old

Meldrum Road junction. However, it should be noted that it cannot be granted without the variation of the legal agreement required by the proposal subject of this report.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

The application seeks to vary the existing S75 relating to 110786, to ensure that the legal obligations therein carry forward to related new planning permissions associated to the development.

### **Supporting Documents**

All drawings and supporting documents can be viewed on the Council's website at:  
<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PFLQ5TBZ01700>

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

The application has been referred to the Planning Development Management Committee because it seeks to vary a legal agreement associated to a planning decision determined by the Planning Development Management Committee (minute of meeting of 29<sup>th</sup> September 2011, at item 9, refers).

## **CONSULTATIONS**

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None

## **REPRESENTATIONS**

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Applications to vary or discharge planning obligations under Section 75A of the Act are not open for public comment.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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

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

### **National Policy and Guidance**

Circular 3/2012 – Planning Obligations and Good Neighbour Agreements

## **EVALUATION**

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The legal agreement associated with PPIp ref: 110786 did not include a clause allowing any variations to be granted, whilst carrying forward the obligations therein. By approving this modification any future applications for variations of conditions/ changes of house types, or other associated alterations, the terms of the original legal agreement would relate to those approvals without further legal process. As the terms of the obligations do not raise any new issues or conflict with the parameters associated to planning obligations, the proposal would therefore meet the aims of Circular 3/2012, and as such there are no reasons as to why a modification should not be granted in this instance.

## **RECOMMENDATION**

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Approve Modification

## **REASON FOR RECOMMENDATION**

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There is a requirement to allow any future applications/ variations (including the pending application 180079/S42) to be determined under the provision of the original legal agreement, associated with planning permission in principle P110786 as this would not raise any new issues or conflict with the parameters associated to planning obligations. The variation to the agreement would allow that to take place.

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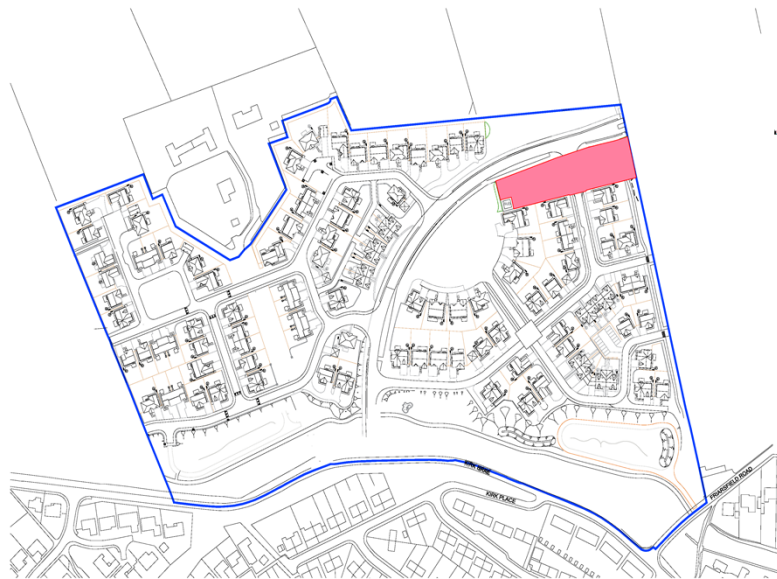


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:**

<b>Site Address:</b>	Friarsfield Road/Kirk Brae, Land To The North, Cults (part Of OP41) , Aberdeen AB15 9QL
<b>Application Description:</b>	Modification of planning obligations associated with P140272 to modify the definition 'application' to include additional application ref.181106/DPP to the obligations
<b>Application Ref:</b>	181749/MPO
<b>Application Type</b>	Modification/Discharge of Planning Obligation
<b>Application Date:</b>	5 October 2018
<b>Applicant:</b>	Cala Management LTD
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Nicholas Lawrence



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### **RECOMMENDATION**

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Approve Modification

### **APPLICATION BACKGROUND**

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#### **Site Description**

The application refers to one specific part of the Friarsfield Opportunity Site (OP41) as set out under the extant Local Development Plan and its predecessor and is, in part, being developed out.

OP41 is bounded to the north by countryside and to its southern, eastern and western boundaries by residential development that fronts Friarsfield Road.

The site itself occupies the north-eastern aspect of the site approved under application reference 140272 to the south of the proposed link road. The site is bounded to the east, south and west by approved residential development and aspects of open space; and to the north by the link road and beyond by playing fields and countryside.

### Relevant Planning History

Application Number	Proposal	Decision Date
140272	Residential development of 107 private dwellings and 12 affordable apartments and ancillary works	Decision Issued 10.12.2016
170882/MPO	Modification of planning obligation associated with application 140272 (Cults Park) to allow an alternative offsite affordable housing provision at 132 - 134 and 142 King Street	Approved 07.03.2018
181106/DPP	Residential development comprising two terraces each of 5 dwellings	Willingness to approve subject to modification of legal agreement

### APPLICATION DESCRIPTION

#### Description of Proposal

The application relates to a grant of planning permission for residential development (Application reference 140272) that was issued on the 10<sup>th</sup> of December 2016 with attendant legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, (the Act) to secure a number of developer obligations and delivery of the link road. Section 75A of the Act allows for a person against whom a planning obligation is enforceable to apply to the Local Planning Authority to have the obligation either modified or discharged.

This application seeks the modification of the legal agreement relating to Application 140272. The requested modification is to vary the legal agreement. The cumulative effect of the variations of the legal agreement will allow application reference 181106/DPP to be linked to the obligations originally undertaken under the legal agreement for Application 140272. Application 181106/DPP has yet to be determined but would in effect vary planning permission 140272. The variation of the legal agreement will also allow for any further planning permissions which vary 140272 to be similarly incorporated as well as any applications to vary or remove planning conditions.

#### 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=PG4HSXBZ01700>.

- Section 75A Agreement (Minute of Variation)

#### Reason for Referral to Committee

This application is referred to the Planning Development Management Committee (the Committee) because it seeks to vary a legal agreement in relation to a planning application (i.e. application reference 140272) previously determined by the Committee.

## **CONSULTATIONS**

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None

## **REPRESENTATIONS**

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Applications to vary or discharge planning obligations under Section 75A of the Act are not open to public comment and there are no other interest parties identified by the applicant.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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

The Local Planning Authority may determine that the Obligation be modified as per the proposed modification or continue in its current form. It cannot determine that the Obligation should be subject to any modification other than the modification(s) set out in the application (i.e. the proposed modification is either approved or refused).

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

- Circular 3 of 2012 (Planning Obligations and Good Neighbour Agreements)

## **EVALUATION**

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The original legal agreement associated with planning application reference 140272 did not include a clause allowing any variations to be granted in line with the terms of the original legal agreement. By granting this modification any future applications for variations of conditions/ changes of house types and other associated matters could be determined under the terms of the original legal agreement.

The obligations under the legal agreement relating to 140272 would not be linked to the new application 181106/DPP without the variation of that legal agreement.

The proposal would therefore meet the aims of Circular 3 of 2012, and there are no reasons as to why the modification should not be granted in this instance.

## **RECOMMENDATION**

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Approve Modification

## **REASON FOR RECOMMENDATION**

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It is necessary for the incorporation of application 181106/DPP into the legal agreement and have the obligations of that legal agreement apply to application 181106/DPP. The variation would allow any further applications/variations to be determined under the provisions of the original legal agreement without further modification of the legal agreement associated with planning application 140272.

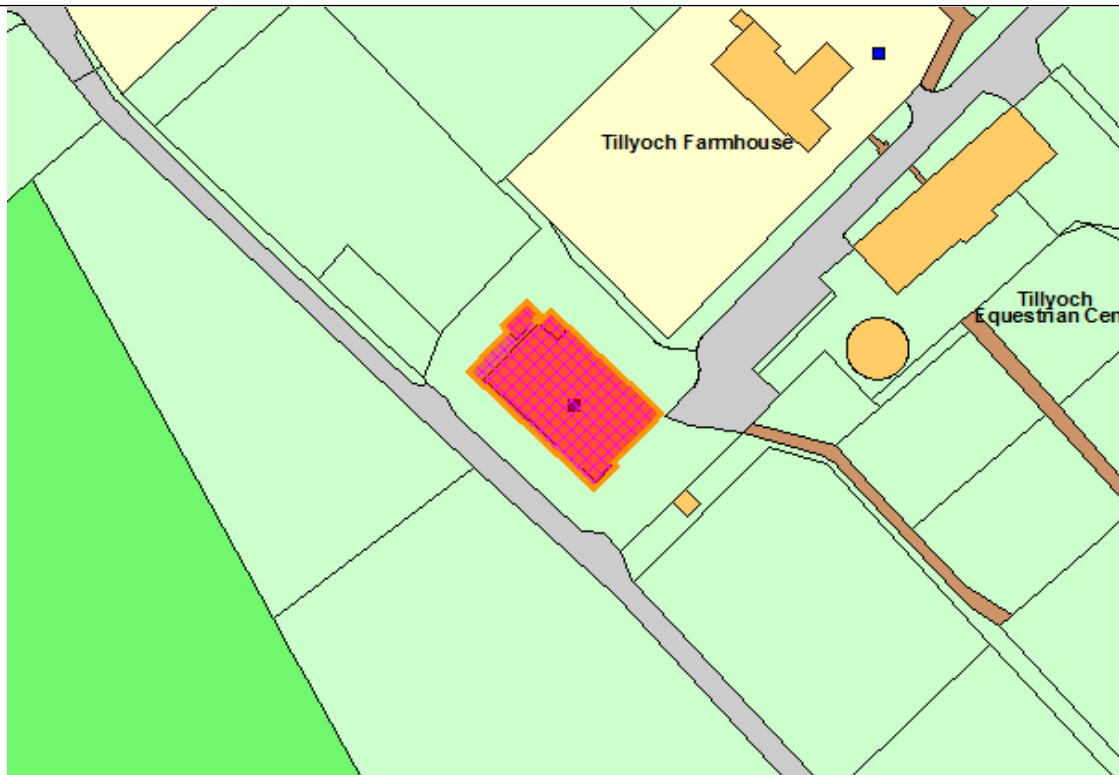


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 6<sup>th</sup> December 2018**

<b>Site Address:</b>	Aberdeen Pet Resort, Culter House Road, Aberdeen, AB14 0NS
<b>Application Description:</b>	Change of Use of existing stable building as a dog hotel with associated alterations including the installation of windows; doors and cladding with mesh panels; security fence and other associated works
<b>Application Ref:</b>	181460/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	16 August 2018
<b>Applicant:</b>	Aberdeen Pet Resort
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Culter
<b>Case Officer:</b>	Jamie Leadbeater



## RECOMMENDATION

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Approve Conditionally

## APPLICATION BACKGROUND

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### Site Description

The site comprises a vacant timber stable block and small area of adjoining land so the south-east and south-west of the building within the confines of Aberdeen Pet Resort on the western side of Culter House Road, Peterculter.

The pet resort comprises a cattery and equestrian functions, as well as landscaped boundaries and well-defined car parking area, set within a c. 40 acre land holding owned by the applicant. The land holding comprises most of the land south of the site area down to the Bucklerburn Road as well as most of the land east of the site until Culter House Road and some land extending northwards – excluding Parkhill Cottage. Access to the site is obtained via a modern gated entrance off Culter House Road.

The nearest residential property to the site is Tillyoch Farmhouse owned by the applicant sited c. 50m away to the north-east. Outwith the applicant's control, the nearest residential properties are Parkhill Cottage sited 96m away to the north-west and Bucklerburn Farm Cottage 130m to the south. Beyond those two properties, the nearest sporadically located properties are Bucklerburn Farmhouse is located approximately 200m to the south-west and Woodend Farmhouse and Forest Cottage which are located 280m and 297m away respectively to the north-east. In terms of larger residential areas, the nearest properties are located on Bucklerburn Close (c. 163m away) and Bucklerburn View (c. 174m away) to the south of Bucklerburn Road which runs east-west to the south of the site and is lined by mature trees. All properties to the south of the application site sit at a much lower land level in relation to the application site.

In terms of designations, the site falls within both the designated 'Green Space Network and "Green Belt" on the Aberdeen Local Development Plan (ALDP) Proposals Map to which policies NE1 and NE2 in the ALDP 2017 respectively apply.

### Relevant Planning History

Application Number	Proposal	Decision Date
141813	Extension and Change of Use of part of stables To form dog kennels	Refused by committee - 15/12/2015
110080	Extension to approved stables building, Tillyoch	Approved Con. – 25/03/2011
09/0089	MSC for approval of design and layout of Access road, Tillyoch Farm	Approved Con. - 23/04/2009
09/0090	MSC for approval of siting, design & external Appearance if buildings, outdoor arena, service yard and car park, Tillyoch Farm	Approved Con. - 23/04/2009

A8/1137

Outline PP for Erection of cattery, livery stables, outdoor school, storage building, house, access road, car park and landscaping

Approved Con. -  
13/01/2009

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Conversion of former stable building into a 'dog hotel' comprising of 11 individual dog kennels and associated internal exercise space, kitchen and store, with adjoining outdoor patio area.

Internally, all kennels and associated "exercising runs" either side would be located in the northern half of the building and would be constructed from uPVC double glazed walls and doors. Furthermore, the stud framework is to be insulated using 'acoustic wool' and sealed over-cladding.

Externally, new uPVC double glazed windows and doors to be installed in place of former stable door openings on the north-east elevation. New timber cladding to be added in parts.

In terms of the scope of operations, the facility would be run 24 hours per day with dogs staying within their enclosures between the hours of 6pm and 8.30am. Outwith these times, the applicant envisages each dog being taken from their bedrooms more than once each day. Use of the adjoining outdoor area would be limited to one dog at a time - to minimise stress on each dog to minimise the potential for barking – weather permitting. Each dog would likely be taken outside for 20 – 30 mins at a time – this will depend upon the health, mobility, allergies and care package applicable to each dog. These 'recreational' opportunities for dogs would primarily make use of indoor play areas within the building or the adjoining outdoor patio area. Some dogs may be taken off site for exercising across woodland areas in Aberdeen and Aberdeenshire. The applicant anticipates that 2 or 3 additional staff would be required to help run the proposed facility.

### **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=PDHQ5FBZGKZ00> .

- Noise Impact Assessment
- Supporting Information Document

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

The application has been referred to the Planning Development Management Committee because the application is recommended for approval and the local Community Council has objected and more than 5 valid objections have been received.

## **CONSULTATIONS**

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**ACC - Environmental Health** – Do not object, on the basis that the outcome of the Noise Impact Assessment (NIA) is accepted. The effectiveness of the recommended mitigation measures are considered critical to maintaining amenity at neighbouring properties and therefore implementation of such measures contained within Section 5 of the NIA should be controlled through condition. All noise mitigation measures, including the acoustic barrier, are expected to achieve the effectiveness as set out in the NIA.

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

**ACC - Flooding & Coastal Protection** – No objections

**Culter Community Council** – Initially objected and then submitted an updated objection following further consultation. The material points raised as follows are:

- Adverse noise impact on existing homes and gardens;
- Adverse impact on the Green Space Network;
- Proposal is not consistent with the aims of the NPF3;
- Proposal fails to accord with ALDP policies NE1, NE2, D1 and T5;
- Proposal does not accord with the vision set out in the Aberdeen City and Shire Strategic Development Plan in respect of the areas “*unique quality of environment and high standard of living*”.
- The site may not be ‘urban’ but it is not ‘rural’ either.
- The submitted NIA is flawed as it has been undertaken against BS8233:2014 whereas BS4142:2014 should have been used given it includes procedures for tonal, intermittent, impulsive and other distinctive features;
- The NIA does not cover the possibility that 3 or 4 dogs may be out at any one time, and its outcomes are framed upon the presumption that one dog will be exercised outside at any one time;
- The quoted background noise levels are too-high and no account has been taken of the reduction in local traffic noise emanating from Malcolm Road once the AWPR has opened.

The following points raised by the community council are considered non-material in reaching a determination:

- Impact of noise on domestic pets is a concern;
- Dogs under the applicant’s ownership already cause domestic disturbance during night hours;
- Adverse noise impact on future homes and gardens;
- those supporting the application live 2km away from the site and the greater proportion of those objecting to the application live close to the site;
- No guidance is provided by applicant on how dogs brought to the site temporarily would interact with cats and horses;
- The applicant claims the proposed development is needed to maintain the viability of the existing pet resort business but no evidence has been supplied to substantiate this;
- Question whether new local jobs would be created if the proposal is approved;
- Intimate that there is not a lack of kennel facilities within and surrounding Aberdeen based on web search results, which is contrary to supporters’ beliefs.

In the event that Members are minded to approve, the Community Council have request conditions to the following effect to be applied to any subsequent consent:

- 1) Prior to commencement of development, specification of all sound attenuation properties applicable to the internal fabric of the building shall be submitted to the Planning Authority for approval;
- 2) Prior to commencement of development, the method for demonstrating post completion of works compliance with the approved specification for noise attention components;
- 3) Prior to bringing any part of the facility into use, compliance with the approved construction specification shall be demonstrated in line with a pre-agreed method;
- 4) The facility be maintained in accordance with the noise attenuation specifications when in operation for the housing of dogs, and any proposed change to specification be agreed in advance with the Planning Authority; and,



- 5) That the proposed facility shall operate in accordance with the proposed requirements set out in Section 3.7 and 5.2 of the NIA i.e. between 18.00hrs and 08.30hrs all dogs shall be located inside the internal sleeping area with all doors closed and that exercising of dogs takes place outwith these hours.

## **REPRESENTATIONS**

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A total of 89 representations have been received (65 objections, 2 neutral and 22 support) from 97 (includes 8 duplicates) letters/emails in total. The following material reasons have been given:

### Reason to object

- Noise output from proposal would adversely affect residential amenity;
- Siting of kennels in an inappropriate location, too close to residential properties;
- Increased traffic along Culter House Road would make it more dangerous;
- There are flaws in the submitted Noise Impact Assessment (NIA);
- There is no way of mitigating/soundproofing noise from dogs barking when outside of kennels;
- Proposal is contrary to the key aims of National Planning Framework 3 (NPF3);
- Proposals fails to accord with Policy T5 (Noise) in the ALDP;
- Proposal fails to accord with Policy H1 (Residential Areas) in the ALDP;
- Proposal fails to accord with Policy NE2 (Green Belt) in the ALDP;
- Dogs cannot be locked up 24/7 for animal welfare reasons and therefore need to be let out, and once let out will create lots of noise because they would be in unfamiliar surroundings;
- Previous application (ref 141813) was refused and so should this as there is no material different between the two proposals;
- Existing noise generated from sound system associated with equestrian function of the pet resort is bad enough without introducing dogs as well;
- Proposal would fail to adhere to the guidance set out in PAN 1/2011;
- Noise from dogs would adversely impacts on local residents' health whom reside south of Bucklerburn Road;
- There are already 59 kennels operating across Aberdeen and Aberdeenshire;
- There is enough dog barking disturbance in the area already.

### Neutral comments

- Dog kennels should be located as far away from human habitation as reasonably practicably possible or efforts should be made to demonstrate that noise pollution would be at a level that does not impact on those living closest. If this cannot be achieved, then the development should not be permitted;
- Committee members should be satisfied that noise levels from kennels would be less than 55 decibels (DB) at neighbouring properties, if minded to approve, as per World Health Organisation (WHO) guidelines.

### Reason to support

- Thoughtful design with a views to minimising noise disturbance;
- Lack of boarding kennels in Peterculter area;
- Business would create jobs;
- Very few houses nearby;
- Useful amenity for local community.

### Reasons to “object” considered non-material

- The proposed use would intensify use of Culter House Road which is already in a poor state of repair;
- Noise from kennels would affect the well-being of walkers and their dogs walking along the nearby footpath;
- Noise from dogs would adversely impacts on local residents’ health whom reside south of Bucklerburn Road;
- Internal arrangement of “dog hotel” not big enough to allow dogs a good quality of living;
- Proposed development would have an adverse impact on local house sales;
- Proposed development would adversely impact on the future development of affordable housing between Malcolm Road and Culter House Road;
- Noise arising form kennels would adversely affect domestic dogs and pets living at nearby residential properties;
- No comprehensive planning guidance has been published in the UK to deal with Kennel developments;
- Applicants not capable of taking good care of animals;

### Reasons to “support” considered non-material

- Dogs need homes for family holidays;
- Would be useful to have a facility where one can leave their dog and cat;
- Existing facility is well-run.

## **PLANNING POLICY FRAMEWORK AND 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**

- National Planning Framework 3 (NPF3)
- Scottish Planning Policy
- Planning Advice Note (PAN) 1/2011: Planning and Noise
- Scottish Government Circular 4/1998: The Use of Planning Conditions in Planning Permissions

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

- Policy D1: Quality Placemaking by Design
- Policy NE1: Green Space Network
- Policy NE2: Green Belt
- Policy NE6: Flooding, Drainage and Water Quality
- Policy T2: Managing the Transport Impact of Development
- Policy T5: Noise

## Supplementary Guidance

- Noise
- Transport & Accessibility

## Other Material Considerations

- Code of Practice for the Welfare of Dogs (DEFRA, December 2017) – Pursuant to Section 15 of the Animal Welfare Act 2016.

## EVALUATION

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### Main Issues

The main issues in this matter are: firstly, whether the principle of development is acceptable; and, secondly, whether the noise impact arising from proposed development and thus the impact on amenity would be acceptable given the site's context.

### Principle of the Proposed Development

The acceptability of the proposed development in principle falls under two different policy considerations – compliance with Policy NE1 and compliance with NE2 in the ALDP, and considerations of any other material considerations. Neither policy has any greater weight than the other, but in order for the proposal to be acceptable in principle it should comply with both policies.

Policy NE1 states the Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network (GSN). Proposals for development that are likely to destroy or erode the character and/or function of the GSN will not be permitted. Given the proposed development would merely entail a conversion of an existing building and therefore would be contained within the shell of an existing building, it is not considered the proposed development would destroy or erode the character of the Green Space Network. As such, the proposal is considered compliant with the policy.

Policy NE2 states no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible uses compatible with an agricultural or natural setting; mineral extraction /quarry restoration; or landscape renewal. Beyond these provisions, the policy does make allowances for exceptions to accommodate development outwith these defined uses. The exceptions are:

- 1) Developments associated with existing activities;
- 2) Essential infrastructure;
- 3) Change of use to historic buildings;
- 4) Extensions to existing buildings; and,
- 5) Erection of replacement dwellinghouses.

The proposed use in isolation doesn't fall cleanly within the allowances for development types within the Green Belt and in that regard would not comply with Policy NE2. However, given the proposed development can reasonably be viewed as an expansion/extension of an existing established 'animal care' business which comprises a mix of planning uses, it is reasonable to consider the business as a single entity/activity. In that context, it is legitimate and appropriate for the proposal to be assessed against the criteria set out in "exception 1" of the policy. The criteria are as follows:

- a) The development is within the boundary of the existing activity;
- b) The development is small-scale;
- c) The intensity of activity is not significantly increased; and,
- d) Any proposed construction is ancillary to what exists.

On review of the proposal set against the above criteria, the proposal is considered acceptable on the basis that: the site falls within the confines of the existing Aberdeen Pet Resort facility; the development is contained within the footprint of an existing small-scale building (relative to the site's rural context); whilst the proposed use of the building would be altered under these proposals, it would still be used to house a similar number of animals as what it was originally planned for and therefore no significant intensification would arise; and finally, all proposed construction works to the exterior would be mere subtle adjustments to the exterior of the building.

Subsequently, in light of the above discussion, the development is considered to be compliant with Policies NE1 and NE2.

### Noise Impact on Residential Amenity

Policy T5 states that developments with significant noise generating potential shall be accompanied by a Noise Impact Assessment (NIA). Such a document specifically tailored to the proposed development and its context has been submitted, which has been considered by the Council's Environmental Health Service. Objectors have claimed there are 'flaws' in the detail and methodology of the NIA but officers in Environmental Health established the methodology for the NIA in advance with the applicant's noise professional noise and are content with the quality of the assessment.

In assessing the potential noise impact of the development, two separate considerations exist in this case. Firstly, whether noise levels would be an acceptable level at the nearest residential properties when dogs are located within the proposed facility, and secondly, whether noise would be levels would be of an acceptable level when dogs are outside of the proposed area of containment i.e. within the adjoining outdoor patio area or elsewhere in the applicant's land holding. It is possible that dogs could be taken off-site completely for exercising purposes.

Whilst the area of land where dogs would likely be allowed to walk falls outwith the application site boundary, it is considered reasonable and proper to consider the implications of noise generation in this scenario given dogs under the care of the dog hotel would inevitably be allowed outside for their own general welfare purposes. The applicant has confirmed this would be the case. It should be noted that the local Community Council and objectors primarily focus their concerns on the latter of the two considerations, making a valid point that noised generation outside of the proposed facility "cannot be noise insulated" unlike the proposed facility itself.

In an effort to address the first consideration, the Council's Environmental Health Service has reviewed the methodology and findings of the submitted NIA and agree with the assessment's outcome, which concludes noise levels from dog barking would not exceed the relevant guideline noise levels for internal habitable space and external garden space at the two nearest residential properties (Parkhill Cottage and Bucklerburn Farm Cottage). The presumption on the back of these findings is that if the noise impact is acceptable at these properties then it would also be acceptable at residential properties further away than these. The conclusion from the NIA is made on the premise that the proposed sound mitigation measures set out in Section 5 of the document are implemented inside and outside of the building. The Planning Service has considered the merits of this approach and is content that implementation of noise mitigation measures could be competently controlled through use of a condition if the application is approved. Such a condition would require the applicant to undertake the work to the existing building before the use can commencement operation, thus ensuring the noise impact is minimised from the outset.

With regards to the second consideration, the likely impact of noise on local residents is assessed purely on probability of dog barking balanced against the frequency and length of time dogs would be out of their contained and noise insulated living space, and factoring in reasonable judgement. Objectors have made the valid point that external dog barking cannot be sound proofed unlike the 'hotel' facility, but that is not to say that other means of control cannot bring about a pragmatic solution to minimising the risk. It is considered the starting point in adopting such an approach is to first establish what dogs' welfare demands are.

DEFRA's "Code of Practice for the Welfare of Dogs" states "*dogs need a safe, comfortable place to rest, situated in a dry, draught-free area. All dogs need regular exercise...the amount of exercise a dog needs varies with age, breed and health.*" This document is considered to have been the most suitable basis for establishing the requirements of dogs, in order to employ 'reasonable judgement'. The points outlined in the document has been highlighted by objectors, with a view to conveying dogs are unpredictable and variable in their behaviour. Upon perusal of the document, this appears to be true but is not considered to amount to a definitive reason for refusal, but rather reasonable judgement is better used taking into account a number of assumptions centred on how the facility is likely to operate.

The applicant has submitted details of the likely daily operational routine for allowing dogs out of their enclosures in terms of frequency and the length of time they would be out at any one time – set out in the aforementioned "description of proposal". Based on these assumptions, coupled with the expectation that dog barking noises are prevalent in a rural/semi-rural context, it is considered reasonable to deduce that the likely overall daily impact arising from the use outwith the contained area would not be significant, subject to appropriate controls. The submitted NIA makes three recommendations in Section 5.2 relating to specific operational matters but on review of this approach they would be difficult to enforce and unduly restrictive and therefore unreasonable, rendering such proposals as incompetent to apply through use of condition when assessed against the six tests for competent planning conditions in Scottish Government Circular 4/1998. It is accepted the 'good management' of day to day operations of the proposed facilities strays largely beyond the control of the Planning Authority but controlling the hours outdoor activity does fall within their gift and it would be competent to do so via way of planning condition. This is considered fundamental in controlling the reasonable likelihood of undue noise disturbance. Subsequently, it is proposed a condition is attached to the planning consent restricting use of external space to between the hours of 08.30 to 18.00 daily, to ensure times outwith these hours local residents have the best opportunity to experience their highest level of general residential amenity. These hours align with those hours proposed in the NIA, which the Community Council would also be content with if Members are minded to approve this application. It is acknowledged that placing such a restriction could affect dog welfare to an extent that they would not be free to run very far or 'investigate', but as per the aforementioned guidance from DEFRA containment would offer a "safe" and "dry" place to reside balanced with space to play within the building, so dogs could still technically exercise during such hours - if needed for welfare purposes. Furthermore, should the building be noise insulated to the standard proposed then noise should not be significantly audible from outside the building during night time/early morning to protect residential amenity. Subsequently, taking the aforementioned factors into account it would not be unreasonable and therefore competent to apply such a condition. The local Community Council has recommended that a similar condition be applied to further restrict use of the internal recreational space during the recommended hours of containment, but this is considered unduly restrictive and therefore unreasonable, mindful of dogs' general welfare needs and the predicted efficiency of noise insulation within the built parameters of the dog hotel building.

Given the methodology of the NIA is framed upon 11 dogs occupying the hotel facility at any one time, it is considered necessary to restrict the number of dogs to be accommodated within the proposed dog hotel unit through use of condition. This shall seek to ensure that any likely noise

impact does not exceed the predictions set out in the Noise Impact Assessment and would be another means of safeguarding local residents general residential amenity balanced with permitting the proposed use.

Overall, based on Environmental Health's response and relevant guidance set out in PAN 1/2011, the Planning Service is content that the proposed noise mitigation measures and the restriction on night-time activity would enable the proposed facility to function without undue noise disturbance to immediate neighbouring and further away residents. Furthermore, based on reasonable judgement, the proposed location of the dog hotel would not give rise to significant noise disruption to neighbouring residential properties dispersed in all directions from the site. Subsequently, the proposal is considered compliant with Policy T5 in the ALDP, contrary to the view of those who have objected on the basis of non-compliance with this policy and PAN 1/2011.

## **Other Issues**

### External Design Changes

Policy D1 requires new development to be of a high quality, following a contextual appraisal of the site. The application property was designed to serve its originally consented equestrian purpose and resembles a building expected to be found within a rural/semi-rural setting. The proposed external modifications to the building - which are to be considered primarily under this policy - are not considered to significantly alter the building's appearance, especially from the nearest public vistas, and therefore are considered acceptable changes under this policy given they would not adversely affect public amenity. It should be noted that compliance with this policy aligns with one of the reasons to support the application.

### Access and Parking

The Council's Roads Development Team have reviewed the proposals and are content that the proposed development would be served by an appropriate existing access and car parking arrangement on land outwith the application site but within the applicant's control, which currently already serves the existing Cattery. As such, the proposal is considered compliant with relevant expectations of Policy T2 in the ALDP. This should allay objectors' concerns that the proposed development would not pose an undue road safety impact along Culter House Road.

### Drainage

The Council's Flooding & Coastal Planning team have considered the proposals and have no objection to the proposals. As such, the proposal is deemed compliant with the crux of Policy NE6 in the ALDP. This should address the concern expressed by the concerned neighbouring resident to the south of the site that the development would not give rise to an undue impact arising from a lack of site drainage.

## **Other matters raised in representations**

- *The submitted NIA is flawed as it has been undertaken against BS8233:2014 whereas BS4142: 2014 should have been used given it includes procedures for tonal, intermittent, impulsive and other distinctive features* – Upon discussion with officers in Environmental Health, they have confirmed that the correct British Standard was used in undertaking the submitted NIA, contrary to the belief of the local Community Council. This is because the BS which the Community Council believed should be used is not to be used for assessing noise from domestic animals. Whilst the proposed development is a commercial entity, the animals they would house would not cease to be domestic. They would be domestic animals anyway, simply housed in the proposed facility on a temporary basis.

- *Proposal doesn't comply with Policy H1 in the ALDP* – The application site does not fall under the “residential areas” land-use designation or even adjoin an area for such use. Therefore, it has not been deemed necessary or reasonable to assess the proposal against this policy in this case.
- *Previous application 141813 was refused and so should this as there is no material different between the two proposals* – Each proposal is to be determined on their own merits. Notwithstanding this fundamental point, there are material differences between the two applications. Firstly, the application was assessed against policies in a different Aberdeen Local Development Plan; secondly, the last proposal sought to accommodate 14 dogs whereas the current proposal would accommodate a maximum of 11 dogs; and, thirdly, the current proposal represents an improved quality of noise insulation within the proposal dog boarding ‘hotel’ facility.
- *There are already 59 kennels operating across Aberdeen and Aberdeenshire* – Whilst this figure may well be accurate, there is no policy within the ALDP 2017 which specifically prohibits the introduction of new dog kennels facilities within the city boundary. As is the case for every planning application, each proposal is to be determined on its own merits.
- *Existing noise generated from sound system associated with equestrian function of the pet resort is bad enough without introducing dogs as well* – Noise generated from the equestrian function of the ‘pet resort’ is intermittent and therefore does not form part of the baseline background data for purpose of making a Noise Impact Assessment (NIA).
- *Business would create jobs* – The applicant has suggested that the proposal would create the requirement for 2 or 3 additional members of staff at the ‘pet resort’.

## **Equalities Impact**

The Planning Service acknowledges that there has been reference made in representations about the potential adverse impact of dog barking on those with protected characteristics. Despite attempting to investigate this further through making contact to relevant individuals no further information has been forthcoming to enable an Equalities Impact Assessment (EqIA) to be undertaken. Subsequently, the potential impact of the development of those with protected characteristic in ‘unknown’.

## **Concluding comments**

Overall, the change of use is considered acceptable given the site’s semi-rural context and based upon the findings of the submitted NIA and reasonably balanced judgement, the proposed development would not have an undue adverse impact on immediate neighbours’ and/or wider residents of Peterculter’s general residential amenity subject to implementation of proposed noise mitigation measures and control over the hours of certain operations. Further, the proposed use could be served by a suitable means of access and associated parking provision. These factors render the proposal compliant with the relevant policies in the Aberdeen Local Development Plan 2017. In the absence of any other overriding material considerations, the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

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Approve Conditionally

## **REASON FOR RECOMMENDATION**

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The proposed use is not considered to adversely affect the function and character of the Green Space Network and is considered an appropriate use to be accommodated within the green belt and therefore the principle of development is considered compliant with Policy NE1 (Green Space Network) and Policy NE2 (Green Belt) in the Aberdeen Local Development Plan (ALDP) 2017, when viewed as an 'extension' to an established activity, thus being the "pet resort". Given the proposed noise mitigation measures set out in the submitted Noise Impact Assessment, and the likely length of time that dogs are likely to be outwith their enclosures during day time hours – due to use of condition restricting access to outdoor areas, it is not considered the proposed use would give rise to an unacceptable level of noise which could harm local residents general residential amenity and therefore the proposal complies with Policy T5 (Noise) in the ALDP 2017 and its associated Supplementary Guidance "Noise" through adherence to guidance set out in Scottish Government PAN (Planning Advice Note) 1/2011. Further, the proposed development would be benefit from a safe vehicular access and car parking arrangement rendering the proposal satisfactory within the parameters of Policy T2 (Managing the Transport Impact of Development) in the ALDP 2017, and the drainage arrangement would ensure compliance with Policy NE6 (Flooding, Drainage and Water Quality) in the ALDP 2017. In the absence of any other material considerations which dictate otherwise, the proposal is considered acceptable.

## **CONDITIONS**

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- 1) Prior to the dog hotel coming into operation, all noise mitigations measures contained within Section 5.1 of the submitted Noise Impact Assessment (prepared by Grosle Environmental Services, 09/10/2018) shall be implemented in full and remain in-situ for the lifetime of the development.

Reason: In the interests of mitigating the noise impact of the development to ensure compliance with Policy T5 (Noise) in the Aberdeen Local Development Plan 2017 and PAN 1/2011 guidance.

- 2) That all dogs residing in the 'dog hotel' facility shall remain within the confines of the built structure between the hours of 18.00hrs and 08.30hrs daily, as per the recommendations set out in the submitted Noise Impact Assessment.

Reasons: In the interests of minimising noise disturbance from the dog hotel during hours of the day local residents shall expect to enjoy their highest levels of general residential amenity, to ensure compliance with Policy T5 (Noise) in the Aberdeen Local Development Plan 2017 and to adhere to PAN 1/2011 guidance.

- 3) That the "dog hotel" facility hereby approved shall house no more than 11 dogs at any one time, unless otherwise approved in writing by the Planning Authority following the submission a separate planning application.

Reason: In order to ensure the dog hotel is operated in accordance with the noise mitigation measures detailed in the submitted Noise Impact Assessment, in the interests of the amenity of the surrounding area to comply with Policy T5 (Noise) in the ALDP and to adhere to PAN 1/2011 guidance.



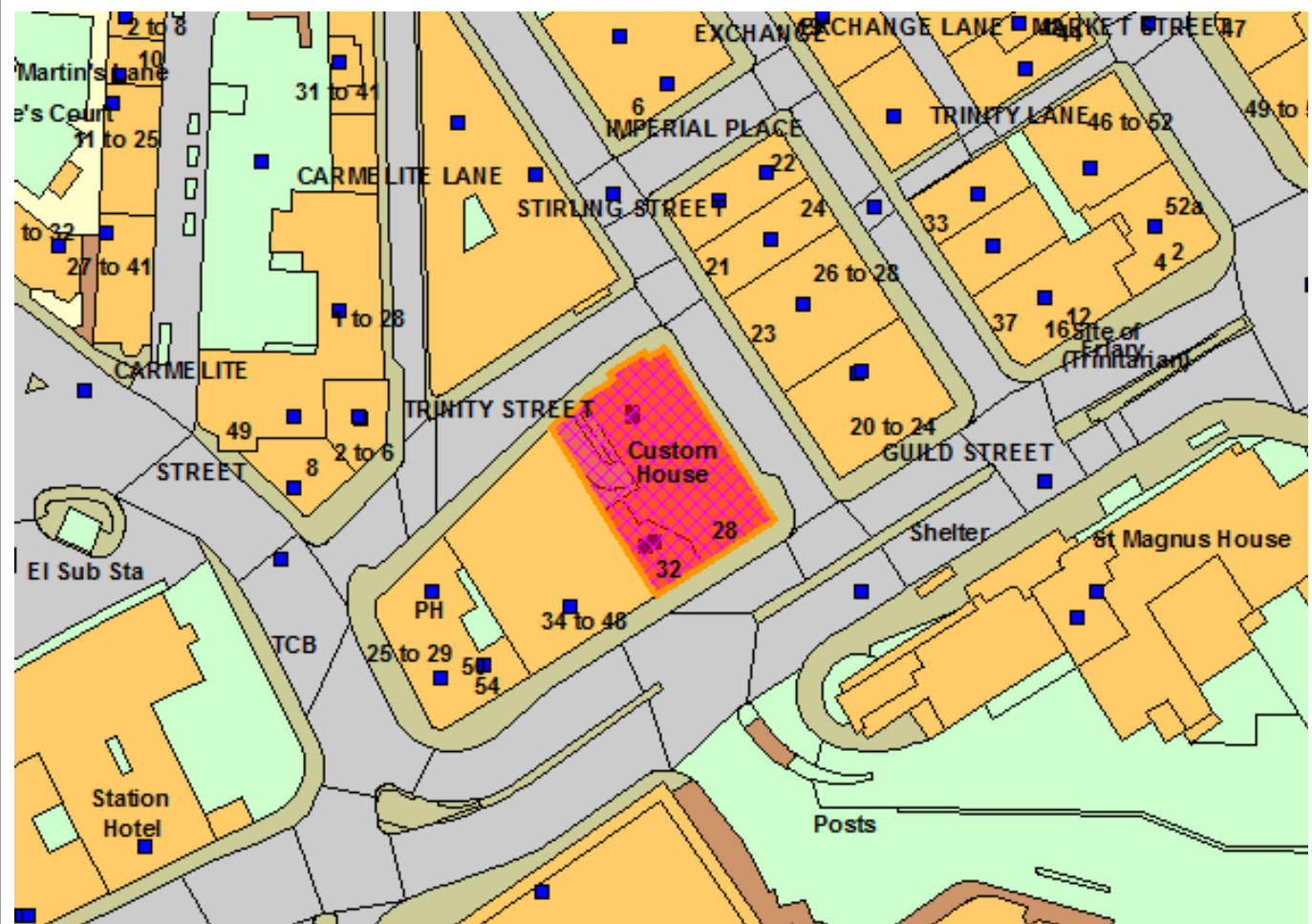


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 6 December 2018

<b>Site Address:</b>	Custom House, 28 Guild Street, Aberdeen, AB25 1NB
<b>Application Description:</b>	Change of use from class 4 (offices) to class 7 (hotel) comprising 106-beds and external works to reconfigure and install to 2 windows to front roof, add mirrored panels and reconfigure existing access
<b>Application Ref:</b>	181532/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	30 August 2018
<b>Applicant:</b>	Mandale Construction North
<b>Ward:</b>	George Street/Harbour
<b>Community Council:</b>	Castlehill And Pittodrie
<b>Case Officer:</b>	Matthew Easton



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### RECOMMENDATION

Approve Conditionally

## **APPLICATION BACKGROUND**

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### **Site Description**

Custom House is a six-storey building located on the corner of Guild Street and Stirling Street.

Vacant office space is set over much of the six floors, with a plant room on the roof. Part of the ground floor is in retail use and occupied by newsagent 'RS McColls'. A basement car park contains twelve spaces associated with the office element, access is via a ramp from Trinity Street.

Although the elements not fronting Guild Street are of little architectural merit, the front elevation thereto is impressive, being constructed from granite and featuring projecting bay windows and a number of decorative stonework elements, including a distinctive wall-head pediment.

The surrounding area has a mix of uses, including the adjoining 'A' listed Tivoli Theatre, restaurants, bars and hotels, Union Square shopping centre, bus and railway stations.

The application site is located within Conservation Area 2 (Union Street) but is not listed.

### **Relevant Planning History**

A detailed planning application (181273/DPP) for conversion of the building to 49 flats was received in July 2018 from the same applicant. The application is currently under consideration and is undetermined.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Detailed planning permission is sought for the change of use of the building to a 106-bedroom hotel.

The ground floor would feature a reception area, bar & dining room, three bedrooms and back-of-house space. The upper floors would contain the remainder of the bedrooms, which would be a variety of sizes and including suites on within what roof plant room is currently.

The separate retail unit at ground floor would be retained. The basement would see 10 parking spaces retained and further back-of-house accommodation and a bin store.

Two new windows would be installed within the mansard roof on the front elevation and alterations would be made to the entrance to the building on Guild Street to allow wheelchair access.

### **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=PE6151BZGWP00>.

- Planning Statement

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the Castlehill and Pittodrie Community Council have objected to the proposals.

## CONSULTATIONS

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**ACC - Roads Development Management Team** – No objection. The following comment is provided.

- Note the excellent walking and cycling links; access to various bus services, and bus station opposite; that Aberdeen Rail Station is in close proximity, with frequent services across the country.
- The established office use allows for maximum of 56 off-street parking spaces, whereas the proposed hotel use sees a maximum of 64. The 12 existing spaces would be reduced to 10. Therefore there would be an increased shortfall in parking, in order to justify this certain mitigatory measures such as: cycle provision, contributions to 'car club' etc. are often required. However, the city centre location and the extensive public transport links, to an extent, justifying the reduced provision. The applicant however is required to revise the proposal to provide disabled parking.
- Secure and sheltered cycle parking provision for staff and customers/guests is required, as per ACC guidance.
- A bin store would be provided in the basement; however, the applicant requires to evidence how refuse vehicles would access and service this.
- A travel plan should be submitted, to encourage staff and guests to use sustainable means of transport.

**ACC - Environmental Health** – No objection. The following advice is provided.

Environmental Odour and Noise Control – In relation to the risk of malodour from cooking activities impacting on the amenity on neighbouring residential property, the following is recommended –

- With the exception of re-heating and hot holding precooked soups, any other hot food cooking and reheating activities to be undertaken, will require a Local Extract Ventilation (LEV) system to be installed prior to commencement of those activities. Where commercial LEV equipment is to be installed a suitable extract ventilation assessment must be carried out prior to its installation to fully demonstrate any necessary mitigation measures and their effectiveness to.
- The installation of a LEV system presents a risk of noise disturbance. A Noise Impact Assessment must therefore be carried out to ascertain the predicted impacts of noise on existing residential property and demonstrate the effectiveness of any noise controls. The addition of any other fixed plant or equipment must also be considered.

Air Quality Impact of Proposal (Advisory Information) – The site lies within an Air Quality Management Area (AQMA). However, vehicle parking provision is not to increase and therefore traffic originating from the proposed development is not considered to significantly increase concentrations of Particulate Matter 10 (PM10) and Nitrogen Dioxide (NO<sub>2</sub>) on the local network to such an extent that the relevant objectives for the said pollutants would be exceeded or suggest an

increase that would require an Air Quality Assessment. There is therefore no objection to the proposal on this basis.

Local Air Quality Impact on Receptors (Advisory Information) – In relation to the impact of local air quality on patrons of the premises, as they would be using the room for a matter of days at a time, the short-term air quality objectives are applied to assess the suitability of the proposal. Namely for NO<sub>2</sub> a 1-Hour mean concentrations limit (200 µg/m<sup>3</sup> not to be exceeded more than 18 times/year) and for PM<sub>10</sub> a 24-Hour mean concentration limit (50 µg/m<sup>3</sup> not to be exceeded more than 7 times/year).

The closest Continuous Monitoring station (CM3) on Market Street shows no exceedances of the short-term air quality objective limits for NO<sub>2</sub> for the years 2013 to 2017 and no exceedances of the short-term air quality objective limits for PM<sub>10</sub> for the years 2016 to 2017. There is therefore no objection to the proposal on this basis.

Noise from Construction Works (Advisory Information) – To protect the amenity of the occupants of the neighbouring residences from noise produced as a result of construction works, it is recommended that 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.

**Developer Obligations Team** – As there is no net increase in floor space, thus no contributions (core paths or open space) are required.

**Castlehill and Pittodrie Community Council** – Does not support the application and highlight the following matters.

Suitability of Use – Concern is raised with the existing concentration of hotels, particularly in this area of the city and city centre. It is important that there is a variety and mix of uses and healthy balance of amenities and activities available throughout the city and around the city centre. The Community Council recommend that this space can and should be made available for other uses, in particular housing which is both an identified need, as well as supported through an earlier application by the same applicant. It is the Community Council's view that this application would create a surplus of hotel supply, rather than supporting a greater diversity of developments in and around the city.

Affordable Housing – There is a preference that the building be redeveloped for affordable housing. Such a use would be of more benefit to those who are looking to move to or continue to live within Aberdeen over the longer term. The approval of hotel use would exclude this potential affordable housing from coming forward. The need for affordable housing in and around the city centre is supported by the City Centre Masterplan and subsequent City Centre Living Study. The Community Council believe that the initial application (181273/DPP) to convert the building to residential use would bring greater benefit and longer-term success than the hotel space proposed in this application.

Built Environment Heritage – The applicant's commitment to preserving and incorporating the heritage of the building such as original stonework and masonry, with planned refurbishment to windows, roofing and exterior facade and surfacing where required is strongly supported and welcomed.

Local Business and Economic Strategy – The Community Council recognises that 'Food & Drink' and 'Tourism / Leisure Industry' is an identified theme for development as part of Aberdeen City Council's Economic Strategy and the Regional Economic Strategy. However, there is a strong and serious concern that continues to come forward from many in the community over how this is being managed and conducted – and where provision is being made available. Whilst the applicant's wish

to invest in the long term and future success of Aberdeen is welcomed, these strategies must be developed in sustainable ways which bring both the city centre and the city together as a cohesive whole, where the benefits of this focus can be shared and support the city's residents and communities.

## **REPRESENTATIONS**

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None

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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

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

### **Strategic Development Plan (2014)**

- Aberdeen City Centre is a regeneration priority area

### **Proposed Strategic Development Plan (2018)**

- A City Centre Transformation Zone is identified by the proposed SDP to build on existing work undertaken by the City Centre Masterplan and Delivery Programme and the Business Improvement District.

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

- Policy NC1: City Centre Dev - Regional Centre
- Policy D1: Quality Placemaking by Design
- Policy D4: Historic Environment
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy T4: Air Quality
- Policy T5: Noise
- Policy R6: Waste Management Requirements for New Development

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

- Air Quality
- Noise
- Transport and Accessibility
- Resources for New Development

### **Other Material Considerations**

- City Centre Masterplan

## EVALUATION

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### Principle of Development

The site lies within the designated city centre, where Policy NC1 (City Centre Development - Regional Centre) applies.

- The first part of Policy NC1 indicates that the city centre is the preferred location for retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development, serving a city-wide or regional market.

In assessing the proposal against this, hotel use is specifically mentioned and is generally regarded as serving a citywide or regional market, as it would not be unusual for guests to stay at a city centre hotel whilst visiting the wider city or region as a tourist or whilst on business. Therefore, a city centre location is one which when considered against Policy NC1, is a preferred location for hotels.

- Policy NC1 goes onto require development to contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan and Delivery Programme (CCMP). This is also supported at a more strategic level by the Proposed Strategic Development Plan.

The CCMP identifies that there is a need to increase hotel choice in the city. Whilst business tourism is already an important economic sector and reflected by the strength of this sector of the hotel market, this has prevented the city from realising its potential as a leisure break destination. Project EC08 (New hotel development) of the CCMP indicates that Aberdeen's appeal as a leisure visitor destination requires a wider choice of accommodation in the city centre to meet broader needs and budgets. Particular need has been identified for more leisure-based hotels; independent boutique hotels; urban hostels catering for the international backpacker market and apart hotels for project workers.

Taking the above into account is clear that the city centre is seen as an appropriate place for new hotel development. Although the planning authority do not have control over the type of hotel or operator, it is understood from the applicant that the hotel would be aimed at the premium budget/limited-service part of the market, thereby increasing choice in that area.

In terms of the specifics of this site, it is near the train and bus stations, ferry port and numerous cultural, retail and business destinations within the city centre. It is therefore considered that the location is acceptable and appropriate for hotel use.

- Custom House has been vacant for several years and with a large amount of new and grade A office floor space now available within the city centre, it is unlikely that the poorer quality space which the building offers is going to be attractive to potential occupiers. Therefore, the re-use of the building for a suitable alternative use is welcomed.
- The retention of the existing retail unit would continue to provide an active use to Guild Street and enhance the area's vitality and viability as a commercial area ensuring a mix of uses.

## **Accessibility and Transport**

Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) require new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

As already discussed, the hotel is in a highly accessible location, close to points where hotel guests are likely to originate, such as the bus and train stations and ferry port. It is also within close proximity to several bus routes. A condition has been attached requiring cycle storage to be provided within the basement, to encourage cycling – primarily by staff. Parking provision would be limited to ten parking spaces for the hotel. Although zero parking would be acceptable, as the parking area already exists and could not readily be used for other purposes, this is considered acceptable. The proposal would meet the requirements of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel).

## **Amenity**

The hotel would feature a kitchen and the Council's Environmental Health service have noted that there is therefore the risk of malodour from cooking activities impacting on the amenity on neighbouring residential properties. A condition has been attached restricting cooking operations until a scheme of Local Extract Ventilation (LEV) has been approved and installed. Policy T5 (Noise) requires that in cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application. Therefore, the LEV scheme would need to be accompanied by a noise assessment to ensure any mechanical plant which part of the scheme is does not create a noise nuisance. Subject to satisfactory details being submitted, the provisions of Policy T5 (Noise) would be met.

Policy R6 (Waste Management Requirements for New Development) requires that all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. In this instance a waste store would be provided in the basement sufficient for the purposes.

## **Air Quality**

Development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are agreed as set out in Policy T4 (Air Quality).

The site lies within the Virginia Street/Trinity Quay/Guild Street Air Quality Management Area (AQMA). The Environmental Health service have considered the proposals and determined that traffic originating from the proposed development would not significantly worsen air quality.

In relation to the impact of local air quality on hotel guests, the short-term nature of stays would not result in adverse impact and EH colleagues do not object on this basis.

## **Layout and Design**

The building is within Conservation Area 2 (Union Street) and therefore there is a requirement to ensure that the character of the conservation area is either preserve or enhanced, as expressed through Policy D4 (Historic Environment). Two new windows would be installed on within the mansard roof on the front elevation and alterations would be made to the entrance to the building on Guild Street to allow wheelchair access. The windows would be a minor intervention in a non-original part of the building which would be insignificant in the context of the overall building. Further details of the entrance alterations have been required by condition however in principle the change

to a ramp would be acceptable. These external works are considered to preserve the character of the conservation area in accordance with Policy D4 (Historic Environment). The internal work to the building does not require planning permission.

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

- In relation to the concerns raised by Castlehill and Pittodrie Community Council about the appropriateness of hotel use, it is clear from earlier in the evaluation that national and local planning policy regards the city centre as a suitable location for such a use. Hotels frequently choose locations close to key transport nodes, resulting in a concentration of the use, so a higher number of hotels within part of a city centre where there is a choice of transport options is not unusual. There is already a wide range of activities in this part of the city centre and the introduction of a hotel would not adversely affect that balance or mix.

In terms of overprovision specifically, there is no requirement for a hotel operator to demonstrate that there is requirement for their business; the market will dictate the number of hotel rooms that the city can sustain. Unless it can be demonstrated that a concentration of hotel uses would cause an adverse impact in some way, which is not the case here, it is not for the planning authority to intervene by preventing new operators from entering the market or existing operators from expanding.

- Whilst there is a separate planning application (181273/DPP) from the same applicant to convert the building to residential use, the planning authority is required to consider the application before it, rather than potential alternatives that may or may not happen. Therefore, even if residential use was seen as a preference, this application for hotel use must be considered on its own individual merits.
- The concerns relating to the local tourist and economic strategies do not appear to have any direct relevance to the determination of this application.

### **RECOMMENDATION**

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Approve Conditionally

### **REASON FOR RECOMMENDATION**

The city centre when considered against Policy NC1, is a preferred location for hotel use. The proposed use is also supported by the City Centre Masterplan where Project EC08 (New hotel development) indicates that Aberdeen's appeal as a leisure visitor destination requires a wider choice of accommodation in the city centre to meet broader needs and budgets.

Custom House has been vacant for several years and with a large amount of new and grade A office floor space now available within the city centre, it is unlikely that the poorer quality space which the building offers is going to be attractive to potential occupiers. The reuse of a vacant building is therefore welcomed.

The site is in a highly accessible location, close to points where hotel guests are likely to originate, such as the bus and train stations and ferry port. It is also within close proximity to several bus routes. It is therefore considered that the specific location is acceptable and appropriate for hotel use.



The development would have no impact on air quality and conditions have been attached requiring details of a cooking odour extract system, control of noise from mechanical plant, car and cycle parking and submission of a travel plan, in accordance with Policy T2 (Managing the Transport Impact of Development), Policy T3 (Sustainable and Active Travel), Policy T5 (Noise) and Policy R6 (Waste Management Requirements for New Development).

The external alterations to the building are minor and would maintain the character of the conservation area accordance with Policy D4 (Historic Environment).

## **CONDITIONS**

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### **(1) BUILDING ACCESS**

The building shall not be occupied unless a detailed scheme showing the altered main entrance arrangement has been submitted to and approved in writing by the planning authority. Thereafter the building shall not be occupied unless the spaces have been provided and are available for use.

Reason – to ensure that there is adequate parking provision of disabled staff and customers.

### **(2) LOCAL EXTRACT VENTILATION (LEV) SCHEME**

No hot food cooking and reheating activities shall be undertaken (including but not limited to; oven cooking, boiling, stewing grilling/broiling, deep fat frying or shallow frying – except for re-heating and hot-holding of pre-cooked soups) unless a scheme of Local Extract Ventilation (LEV) (including a suitable extract ventilation assessment by a competent person) has been submitted to and approved in writing by the planning authority.

Thereafter no cooking or reheating activities shall take place unless the LEV system has been installed and is available for use.

Reason – to ensure that food odours and fumes do not adversely affect the amenity of the surrounding area.

### **(3) NOISE IMPACT ASSESSMENT**

No development shall take place unless a detailed assessment of the likely sources and levels of noise arising from any mechanical plant, and those audible out-with the premises has been submitted to and approved in writing by the planning authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant. All noise attenuation measures identified by the noise assessment which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area shall be installed prior to commencement of the use hereby approved, unless the planning authority has given prior written approval for a variation

Reason – to ensure that existing uses in the surrounding area are protected from any noise arising from the development.

### **(4) ACCESSIBLE PARKING**

The building shall not be occupied unless a scheme showing at least three accessible spaces within the basement car park has been submitted to and approved in writing by the planning authority. Thereafter the building shall not be occupied unless the spaces have been provided and are available for use.

Reason – to ensure that there is adequate parking provision of disabled staff and customers.

(5) TRAVEL PLAN

The building shall not be occupied unless there has been submitted to and approved in writing a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets.

Reason – to encourage staff and customers to access the development by means other than the private car.

(6) CYCLE PARKING

The building shall not be occupied unless a scheme showing at least thirteen secure and covered bicycle spaces has been submitted to and approved in writing by the planning authority. Thereafter the building shall not be occupied unless the spaces have been provided and are available for use.

Reason – to encourage staff and customers to access the development by means other than the private car.

**ADVISORY NOTES FOR APPLICANT**

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(01) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service ([poll@aberdeencity.gov.uk](mailto: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.