

# 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 13 February 2019

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 21 FEBRUARY 2019 at 10.00 am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **B U S I N E S S**

**MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.**

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

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

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

- 2.1 Determination of Urgent Business

#### **DECLARATION OF INTERESTS**

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

## **MINUTES OF PREVIOUS MEETINGS**

- 4.1 Minute of Meeting of the Planning Development Management Committee of 24 January 2019 - for approval (Pages 9 - 14)

## **COMMITTEE PLANNER**

- 5.1 Committee Planner (Pages 15 - 16)

## **GENERAL BUSINESS**

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

- 6.1 Erection of Three Dwelling Houses and Associated Infrastructure - Rocklands, Craigton Road Aberdeen (Pages 17 - 26)

Planning Reference - 181932

All documents associated with this application can be found at the following link and enter the reference number above:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/>

Planning Officer: Aoife Murphy

- 6.2 Residential Development Comprising 283 Flats over 5 Storeys, Associated Infrastructure, Access Roads and Landscaping - Wellheads Road Dyce (Pages 27 - 62)

Planning Reference – 181050

All documents associated with this application can be found at the following link and enter the reference number above:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/>

Planning Officer: Daniel Lewis

- 6.3 Installation and Extension of Steel Wall Fence, Access Gate, Footpath Connection and Installation of Timber Fence with all Associated Works - Balmoral Stadium Aberdeen (Pages 63 - 68)

Planning Reference – 182158

All documents associated with this application can be found at the following link and then enter the reference number above:-

<https://publicaccess.aberdeency.gov.uk/online-applications/>

Planning Officer: Robert Forbes

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

- 7.1 Demolition of Existing House and Erection of 22 flats ( 2 bedroom) & Associated Car Parking and Alteration to Existing Pedestrian Railway Underpass - 1 Western Road (Pages 69 - 80)

Planning Reference – 081415

All documents associated with this application can be found at the following link and enter the reference number above.

<https://publicaccess.aberdeency.gov.uk/online-applications/>

Planning Officer: Robert Forbes

### **DATE OF NEXT MEETING**

- 8.1 Thursday 21 March - 10am

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

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

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## MOTIONS AGAINST RECOMMENDATION

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

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

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

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

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## **DECLARATIONS OF INTEREST**

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.



## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 24 January 2019. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Avril MacKenzie and Malik.

**The agenda and reports associated with this minute can be found at:-**  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=6270&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.**

### DECLARATIONS OF INTEREST

1. Councillor Cooke declared an interest in relation to item 6.2 on the agenda, 245 Union Grove Aberdeen, as he knew the owner and some of the individuals who submitted representations, due to being a local member. Councillor Cooke did not feel it necessary to withdraw from the meeting during consideration and deliberation of the item.

### MINUTE OF THE MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 6 DECEMBER 2018

2. The Committee had before it the minute of the previous meeting of 6 December 2018, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### MINUTE OF THE MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PUBLIC HEARING OF 28 NOVEMBER 2018

3. The Committee had before it the minute of the Planning Development Management Committee Public Hearing of 28 November 2018, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE PLANNER

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

24 January 2019

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

**The Committee resolved:-**

to note the information contained within the Committee report planner.

**LAND TO THE NORTH OF SPARROWS OFFSHORE - DENMORE ROAD  
ABERDEEN - 181677**

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

That the application for the proposed shared use pedestrian and cycle path at land to the north of Sparrows Offshore, Denmore Road Aberdeen, be approved subject to the following conditions:-

**CONDITIONS**

Breeding Season

- 1) That no construction works associated with this development shall be carried out on site between the 15<sup>th</sup> March and the 31<sup>st</sup> August.  
Reason: To ensure the adequate protection of birds and their young, the wildlife and natural heritage of the Green Space Network.

Tree Protection

- 2) That no construction shall take place unless the tree protection measures in the tree protection plan and the tree survey report have been implemented in its entirety and that they shall remain in place until the development is completed.  
Reason: in order to ensure adequate protection for the trees on site during the construction of the development.

Replanting

- 3) That no construction shall take place unless a plan illustrating the new areas of native tree planting and 'defensive planting' on the site has been submitted to and approved in writing by the Planning Authority. All planting, seeding and turfing comprised in the approved scheme of replanting shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.  
Reason:- in the interests of the green space network and the natural heritage of the area.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

24 January 2019

### Materials

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

Reason:- in the interests of visual amenity.

### Transport Scotland

- 5) That no construction shall take place on site unless the details of the tie-in to the trunk road footway are approved by the Operating Company. Reason:- To ensure the integrity of the trunk road footway is not impaired.

The Committee heard from Daniel Lewis, Development Management Manager who spoke in furtherance of the application and answered various questions from members.

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

to approve the application conditionally as contained in the report.

### **245 UNION GROVE ABERDEEN - 181473**

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

That the Committee approve the application for the change of use of pavement to provide an external seating area outside the premises and installation of over window awnings, at 245 Union Grove, subject to the following conditions:-

### **CONDITIONS**

- 1) That the area of the pavement to be used for outdoor seating shall be restricted solely to that as shown on approved drawing (011B) and that no tables or chairs shall be sited out with this area at any time.

Reason- In the interest of pedestrian safety.

- 2) That the outdoors seating area hereby approved shall only be used between the hours of 8.00am and 8.00pm on any given day and that any tables, chairs and other street furniture for the purpose of, or associated with, facilitating outdoor seating shall be removed from the pavement out with the hours of operation for the outdoor seating area.

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

### **INFORMATIVE**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

24 January 2019

That no amplified music shall be played in the outdoor seating at any time.

The Committee heard from Daniel Lewis, Development Management Manager who spoke in furtherance of the application and answered various questions from members.

The Convener advised that Councillor Greig had submitted a written submission in regards to the application as a local member and the letter requested the following:-

That the application be refused as the proposal would generate noise and inconvenience to neighbours, and there was notably no noise impact assessment to identify the scale of the likely problem caused by noise. This is likely to cause disruption in the vicinity. Also that there was legitimate environmental concerns about the use of the outdoor area and this use could attract seagulls which would cause a menace.

Members discussed whether the informative note could be conditioned however Mr Lewis advised that it wouldn't be enforceable as a condition and was more a responsibility of the management of the café. The report also stated that it would not be appropriate to apply a condition preventing the playing of amplified music due to the fact that such a condition would not appear to pass the tests as set out in Circular 4/1998 – The Use of Planning Conditions in Planning Permissions.

**The Committee resolved:-**

to approve the application conditionally as contained in the report.

**21 FEBRUARY 2019**

7. The Committee noted that the date of the next meeting was scheduled for Thursday 21 February at 10am.

- **Councillor Marie Boulton, Convener**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**  
24 January 2019

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	A	B	C	D	E	F	G	H	I
1	<b>PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER</b> The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>	<b>Terms of Reference</b>	<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3			<b>21 February 2019</b>						
4	1 Western Road	At the PDMC meeting of 16 August 2018, it was agreed "to defer the application to allow additional time for negotiation on the legal agreement. Application to be reported to the Planning Development Management Committee of 21st February 2019 for determination."	On agenda	Robert Forbes	Strategic Place Planning	Place	1		
5	Rocklands - Craigton Road	To approve or refuse the application.	On agenda	Gavin Clark	Strategic Place Planning	Place	1		
6	Balmoral Stadium	To approve or refuse the application.	On agenda	Robert Forbes	Strategic Place Planning	Place	1		
7	Wellheads Dyce	To approve or refuse the application.	On agenda	Matthew Easton	Strategic Place Planning	Place	1		
8	Planning Performance Framework	To report on the Annual Planning Performance Framework and the commentary from the Scottish Government.							To be reported as a Service Update.
9			<b>21 March 2019</b>						
10	Land at Ardene Vets Kingswells	To approve or refuse the application.		Matthew Easton	Strategic Place Planning	Place	1		
11	Grandhome Estate	To approve or refuse the application.		Lucy Greene	Strategic Place Planning	Place	1	D	Delayed for further transportation impact information.
12	Shielhill Road Mundurno	To approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1	D	Delayed to allow progress that is being made on a resolution of vehicular access issue.
13	The Woodies, Broomhill Road	To approve or refuse the application.		Alex Ferguson	Strategic Place Planning	Place	1	D	Awaiting a tree survey.
14	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.		Kevin Wright	Strategic Place Planning	Place	1	D	Delayed from November.
15			<b>18 April 2019</b>						
16	May Baird Avenue	To approve or refuse the application.		Lucy Greene	Strategic Place Planning	Place	1		

	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									
17	Annual Committee Effectiveness Report	To present the annual effectiveness report for the Committee.	May-19		Governance	Governance	GD 7.4		
18									
19									
20			<b>23 May 2019</b>						
21									
22			<b>27 June 2019</b>						
23									
24			<b>15 August 2019</b>						
25									
26			<b>19 September 2019</b>						
27									
28			<b>31 October 2019</b>						
29									
30			<b>05 December 2019</b>						
31									
32		<b>AD HOC REPORTS (CYCLE DEPENDENT ON REQUIREMENT TO REPORT)</b>							
33									
34									
35									



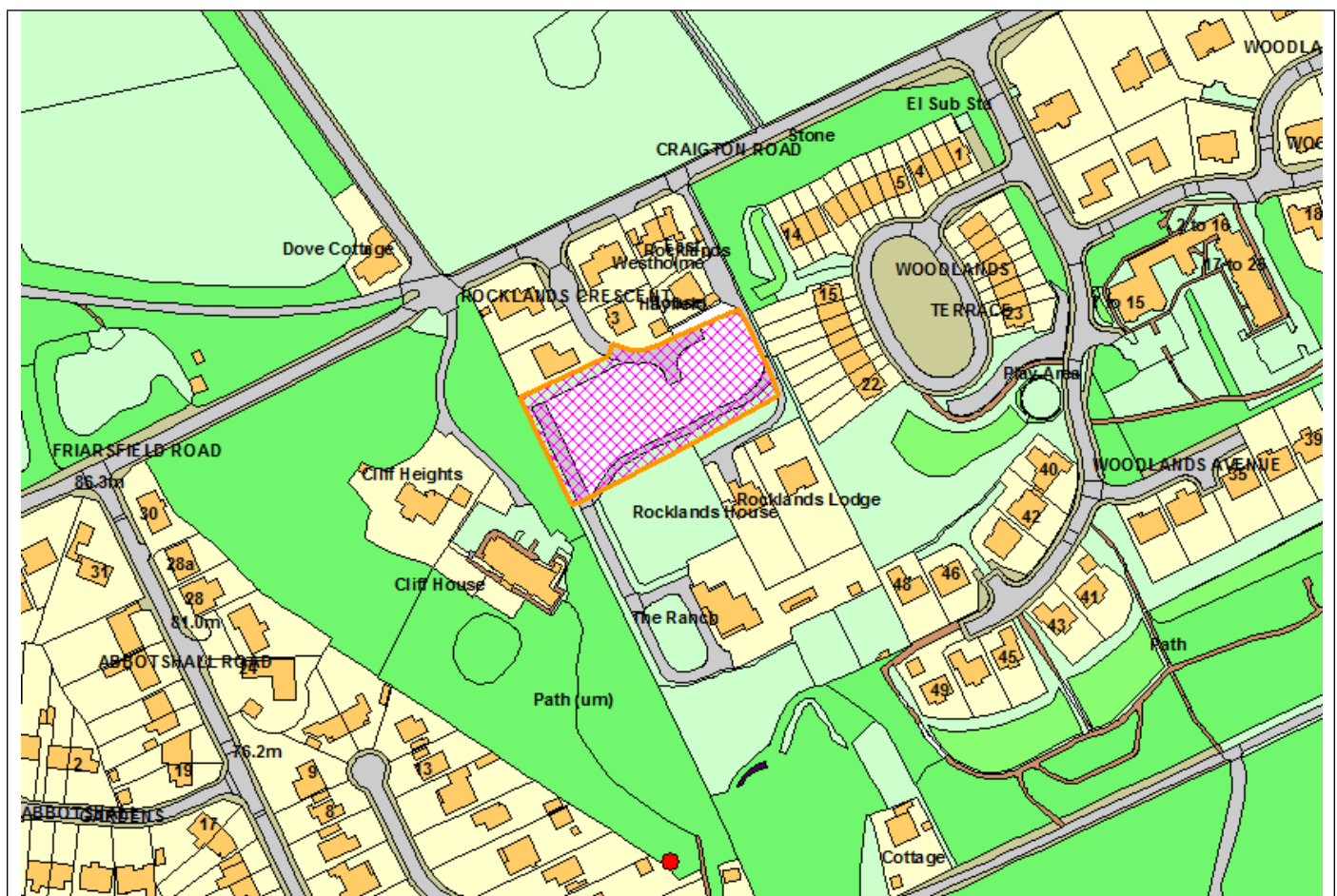


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 21 February 2019**

<b>Site Address:</b>	Rocklands, Craighton Road, Aberdeen, AB15 9PS
<b>Application Description:</b>	Erection of three dwelling houses and associated infrastructure
<b>Application Ref:</b>	181932/PPP
<b>Application Type</b>	Planning Permission in Principle
<b>Application Date:</b>	9 November 2018
<b>Applicant:</b>	Mrs B. H. Kennedy
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Aoife Murphy



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### RECOMMENDATION

Approve Conditionally

## APPLICATION BACKGROUND

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### Site Description

The site lies to the west of the city, on the eastern periphery of the residential area of Cults. The site extends to an area of 4348sqm and is bound to the north, south east and east by residential properties, to the south west by an area of vacant land and to the west by woodland with dwellings beyond that. The site previously gained planning permission under reference 091678 for six dwellings, four of which have already been constructed and sit to the north (known as Rocklands Crescent). The area of land under consideration currently lies vacant, but does incorporate a hammerhead road layout, which provides a turning area for the existing four house development and a private track to the west of the site, which is lined either side by an area of woodland. Also incorporated within the site boundary is an area of woodland along a portion of the southern boundary. It is noted that the site falls within the Pitfodels Conservation Area.

### Relevant Planning History

Application Number	Proposal	Decision Date
150190	Erection of dwelling house.	21.08.2015 Approve Conditionally
101669	Application to purify conditions relating to siting, design, external appearance, boundary enclosures, SUDS, landscaping and foul sewerage; pertaining to plot 6 of planning permission in principle no 091678.	20.04.2011 Approve Unconditionally
091678	Erection of 6 dwelling houses and formation of access road.	26.04.2010 Approve Conditionally
091439	Erection of new dwelling house.	06.01.2010 Withdrawn

## APPLICATION DESCRIPTION

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### Description of Proposal

Planning permission in principle is sought for the erection of three dwellinghouses. As the application is only in principle no details of the final house types have been submitted for assessment. However, an indicative plot layout has been submitted showing one large plot to the east of the site and two smaller plots lying side by side to the west. All dwellings are shown to be detached and it is likely that they would be two storeys. The existing turning area to the north of the site is proposed to be relocated to the south allowing access to all three proposed dwellings. As such, access will come directly off Craigton Road, via Rocklands Crescent and run past the existing four dwellings to the north. There are a number of trees identified on the tree management plan that are to be removed for the proposed development, these have been marked as A. Southern hedge, B. Northern hedge and C. Western hedge while the existing line of trees along the west boundary marked as D. Western Hedge is to be retained and protected.

### 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=PHVLGEBZISA00>

- Planning Statement, submitted 8 November 2018 – within this document the agent provides an overview of the site including details relating planning history, site characteristics, Pitfodels Conservation Area, open space, subdivision and redevelopment of residential curtilages and trees and woodland.
- Tree Survey Report, submitted 8 November 2018 – provides details of the existing trees within the site and information on whether they are to be retained or felled. Details of tree protection fencing has also been provided.
- Design Response, submitted 15 January 2019 – provides details of design in the surrounding area in response to the comments raised in the letters of representation.
- Site Context, submitted 15 January 2019 – provides details of the site and surrounding conservation area.

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

The application has been referred to the Planning Development Management Committee because the proposal has been subject to 6 or more timeous letters of objection. Consequently, the proposal requires to be determined by the Planning Development Management Committee as per the Scheme of Delegation.

### **CONSULTATIONS**

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**ACC - Roads Development Management Team** – has no objections to the proposal subject to conditions.

**ACC - Environmental Health** – No observations or comments to make.

**ACC - Flooding and Coastal Protection** – has no objection to the proposal, but has requested a Drainage Impact Assessment be submitted with any subsequent application.

**ACC - Waste Strategy Team** – has made general comments regarding the waste arrangements on site

**Cults, Bieldside And Milltimber Community Council** – has not commented on this application.

### **REPRESENTATIONS**

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Eight written representations have been received, four objecting to the proposal and two making neutral comments. Material matters raised are as follows:

- Landscaping
- Internal road layout
- Noise
- Planning history
- Potential impact of the development on the surrounding area
- Pollution
- Proposed design of the development
- Traffic impact
- Trees and replacement planting
- Use of existing access road

### **MATERIAL CONSIDERATIONS**

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#### **Legislative Requirements**

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

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

Scottish Planning Policy

Scottish Historic Environment Policy

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

Policy D1 - Quality Placemaking by Design

Policy D2 - Landscape

Policy D4 - Historic Environment

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy H1 - Residential Areas

Policy NE5 - Trees and Woodlands

Policy NE6 - Flooding, Drainage and Water Quality

Policy R6 - Waste Management Requirements for New Development

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

Policy CI1 - Digital Infrastructure

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

Transport and Accessibility

Landscape

Trees and Woodland

Flooding and Drainage

### **Other Material Considerations**

Pitfodels Conservation Area Character Appraisal

The matters raised in representations are material to the assessment of this application, so far as they relate to legitimate planning considerations.

## **EVALUATION**

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The key planning issues to be considered are the principle of development, impact on the amenity of the surrounding area, impact on the conservation area, as well as access and servicing.

As the site is located within a residential area, Policy H1 - Residential Areas will be used to assess the principle of development. This policy allows new residential development, as long as the following criteria can be met:

1. does not constitute over development;
2. does not have an unacceptable impact on the character and amenity of the surrounding area; and
3. does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010.

Having reviewed the proposal, it is considered that the proposal complies with this policy, as the development does not constitute over development and it is not considered that the dwellings would have any impact on the character and amenity of the surrounding area given that this is an existing residential area. It is also considered, given the information supplied on the indicative plot layout,

that the dwellings are well sited so as not to impact on the amenity of the surrounding area and the site is not considered to be open space as defined in the Open Space Audit. In light of the above, it is considered that the proposal complies with Policy H1 and can therefore be supported in principle.

In terms of Policy D1 - Quality Placemaking by Design, as the application is for planning permission in principle, no details of the final house types have been submitted, as such the application cannot be fully assessed against this policy. However, if the application is to be approved, full details of the proposed house types will be required as a subsequent planning application stage and a full assessment of the design and placemaking will be made at that time.

However, the agent has submitted an indicative layout and it is considered that the site can comfortably accommodate the proposed dwellings as well as private garden ground and parking and turning areas. A number of concerns were raised through the written representations regarding the finished design, in order to ease these concerns, information regarding design and site context were submitted, which suggest that the proposed development would take into account the surrounding features of nearby residential properties and well as the context of the wider area to create an informed design for the 3 proposed dwellings.

A further concern raised by objectors relates to the potential impact of the development on the surrounding area. As this site had previous consent for a residential use, it is not considered that three new dwellings would give rise to any adverse impact in the surrounding area, given the size of the plots and the indicative location of the dwellings.

Under Policy D2 - Landscape, development should have a strong relationship with the landscape and should seek to improve and enhance the setting and visual appearance of the area. As this application only seeks to establish the principle of development a full assessment under this policy cannot be undertaken. However, it is considered that the development of this site will help improve the visual appearance of the area by incorporating the existing local identity. Landscaping will be sought, this will be within the individual plots and maintained by the occupiers of the dwellings.

As previously mentioned the site is located with the Pitfodels Conservation Area, as such the application requires to meet the criteria of Policy D4 - Historic Environment. Under this policy, the Planning Authority seeks to protect, preserve and enhance the historic environment in line with approved national and local guidance. However, as this application is only in principle a full assessment cannot be carried out. The assessment of the finished design and material would be undertaken at a subsequent planning application stage. However, it is considered that the principle of three dwellings in this location would not have an undue impact on the overall character of the Conservation Area, given the site is surrounded by residential dwellings and previously gained permission for that use. When proposing the finished houstypes, the applicant will be required to mitigate against any potential impacts on the conservation area.

Roads Development Management confirm that the Service has no objection to the proposed development, but do require additional information to be submitted with any subsequent planning application. This is considered satisfactory and any information required will be requested via condition. In terms of active and sustainable travel, promoted by Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel, while this development is not in a location suitable for a variety of modes of transport, it is considered that the development is within an already established residential area. As such, by virtue of its location and previous planning approval for the same use, the development is considered acceptable to the Planning Authority.

Some concerns have been raised through letters of representation regarding the existing and proposed internal road layout. While the plans show that the existing layout is to be altered as a

result of this development, this has not raised any concerns with the Planning Authority or the Roads Development Management Team, but it should be noted that the new layout will require Roads Construction Consent and will therefore be assessed in full by the Council's Roads Team.

In addition, concerns regarding traffic impact have also been noted. This site had previous consent for two dwellings and as this application is for one additional dwelling, it is considered that there will be a slight increase in cars using the existing access from Craighton Road, but this will not have any material impact on amenity, or road safety or on the local road network.

A full tree survey report has been submitted with the application, the survey notes that a number of hedges have been identified and that a number of trees require to be felled for woodland management. These hedges are mature and mostly contain C-class trees which are now top heavy and leaning. Given the state of the trees, it is considered that they are a safety issue. The western hedge, which is to remain on site is to be trimmed for retention. The report also confirms that tree protection measures will be erected in order to protect the trees identified for retention. The Planning Authority has no objection to the removal of the trees and maintenance of the hedges in order to facilitate the development, but compensatory planting is required as per Policy NE5 - Trees and Woodlands.

Some comments regarding the tree survey and replacement planting have been highlighted through the letters of representation, the survey notes that the majority of trees on site are to be felled for the development, these included hedges A, B, C, D and F as denoted on the tree management plan. The Planning Authority has no issues with the removal of these trees, however, as hedges E and F are outwith the red line site boundary, their removal cannot be controlled by the Authority under this current application. As mentioned above, information relating to replacement planting will be requested via condition.

It has been requested that a Drainage Impact Assessment be submitted in order to assess the proposal against Policy NE6 - Flooding, Drainage and Water Quality. Given the application is for planning permission in principle, it is considered that this information can be submitted with a subsequent application and will therefore be requested via condition.

The Council's Waste Strategy Team has made no objection to this proposed development and provides comments on the type of services that will be required by the development. As such the development can be considered to comply with Policy R6 - Waste Management Requirements for New Development.

With regards to Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency, all new development is required to aid in the reduction of carbon dioxide emissions through the installation of low and zero carbon generating technology. In addition, all new developments are required to reduce the pressure on water abstraction from the River Dee. It is considered that this information will be requested via condition.

Policy CI1 - Digital Infrastructure required all new development to have access to modern communication infrastructure, it is considered that given the location of this development within the residential area of Cults that this proposal is compliant with this policy.

#### Matters Raised in Written Representations

A number of written representations have been received, the concerns highlighted have been reviewed and the Planning Service can provide the following assessment:

- Landscaping - as this application is for planning permission in principle, it is not required that the Planning Authority have full details of the proposed landscaping, but this information will be requested by way of condition.
- Noise – given that three units are proposed within this residential area, it is not considered that this development will impact the existing noise level currently enjoyed by the residents of the area, given that they will be for the same use.
- Planning history – it is noted that this site has permission for 6 units granted in 2010, 4 of which have been constructed and a further permission for 1 dwelling granted in 2014. It should be noted that this application would supersede any previous consent if implemented.
- Pollution – it is not considered that 3 additional dwellings and associated cars, will have an undue impact on the level of pollution.
- Use of existing access road – an access road is located to the east of the site and serves two dwellings to the south of the site, the residents of these are keen to ensure that rights of access are maintained. The Planning Authority notes that this track is outwith the redline boundary and therefore not subject to assessment, but access to these dwellings should be maintained, however, if any issues arise this would be considered a civil matter and therefore outwith the remit of the Planning Service

In conclusion, it is considered that this development complies with the relevant policies of the Aberdeen Local Development Plan 2017, specifically the principle policy, Policy H1 – Residential Areas, in that the development is not considered to be over development and would not have any undue impact on the character and amenity of the surrounding area. It is therefore recommended that planning permission in principle be granted.

### **Determination of Application**

This application has not been determined within the statutory time period as the application requires to be determined at Planning Development Management Committee. The agent has agreed that the period of determination be extended to the 28 February 2018 to account for next available committee date.

### **RECOMMENDATION**

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Approve Conditionally

### **REASON FOR RECOMMENDATION**

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The proposed development is considered compliant with Policy H1 - Residential Areas, in that the development is not considered to be over development, it would not have any undue impact on the character and amenity of the surrounding area nor would it result in the loss of land. With regards to Policy NE5 - Trees and Woodlands, suitable documentation has been submitted to justify the removal of trees on site, the survey also recommends compensatory planting which is considered to be a required of Policy NE5.

### **CONDITIONS**

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1. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- a) Full details of the siting, design, layout, external appearance and finishing materials of the proposed development including waste bin uplift area, driveway, vehicle parking and turning area;
- b) Full details of the proposed means of access, including dimension of the road and hammerhead;
- c) An Energy Statement shall include the following items:
  - i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
  - ii) 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 Policy R7 of the Aberdeen Local Development Plan 2017.
- d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed ordnance datum point;
- e) Full details of the Drainage Impact Assessment to include the proposed means of disposal of surface water from the development.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

3. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

4. The dwellinghouses hereby approved shall not be occupied unless the proposed surface water drainage system(s) has been provided in accordance with the approved Drainage Impact Assessment and plans approved under Condition 1 (g). The surface water drainage system(s) shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the 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 impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

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

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

6. No works in connection with the permission hereby approved shall commence unless a landscaping scheme including a scheme of compensatory tree planting, has been submitted and approved in writing by the planning authority. Details of the compensatory planting shall include:
  - a) The location of the compensatory tree planting.
  - b) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
  - c) A programme for the implementation, completion and subsequent management of the proposed compensatory tree planting.

The compensatory tree planting shall be carried out in complete accordance with the approved scheme and any planting which, within a period of 5 years from the completion of the compensatory tree planting, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: In order to maintain woodland cover in accordance with the aims of local and national planning policies.

## **ADVISORY NOTES FOR APPLICANT**

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1. Application for approval of all matters specified in conditions to a grant of Planning Permission in Principle must be made before whichever is the latest of the following dates:
  - a. The expiration of three years beginning with the date of the planning permission in principle; or,
  - b. The expiration of 6 months from the date on which an earlier application (Matters Specified in Condition) for the requisite approval was refused or dismissed following an appeal or review.

In relation to any matter under part (b) above, only one application for approval of matters specified in conditions may be made after the expiration of the planning permission in principle.

The development hereby granted shall be begun before the expiration of two years from the final approval of the matters specified in conditions or, in the case of approval on different dates, the final approval of the last such matters to be approved.

2. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start the development. Failure to do so is a breach of planning control and could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended.
3. Notice of the completion of the development: As soon as possible after the development is finished, the person who completed the development must write to the planning authority to confirm that the development has been completed. [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Completion of Development' Notice as appended.

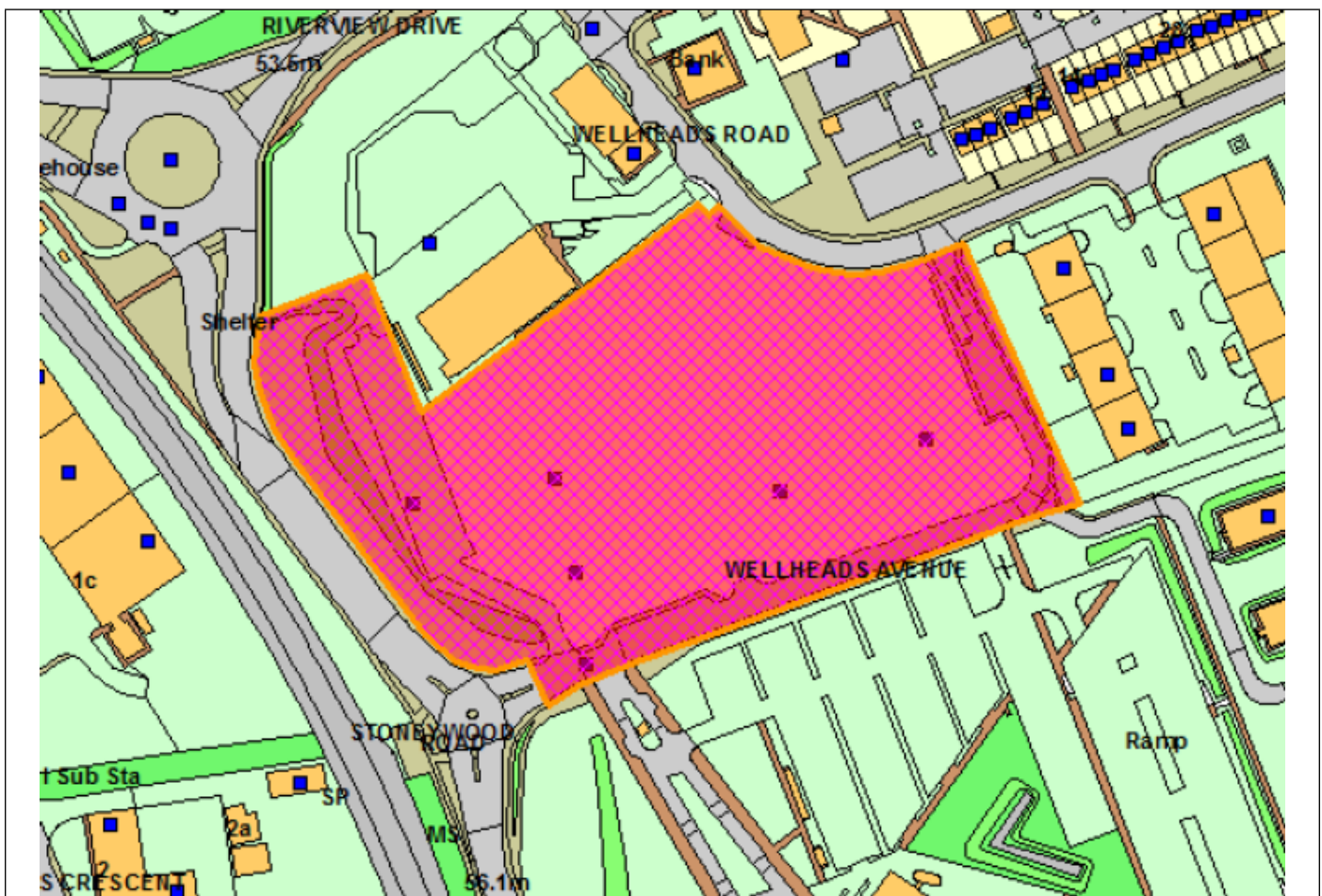


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 21 February 2019

<b>Site Address:</b>	Land At Wellheads Road, Dyce, Aberdeen, AB21 7HG
<b>Application Description:</b>	Residential development comprising 283 flats over 5 storeys, associated infrastructure, access roads and landscaping
<b>Application Ref:</b>	181050/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	26 June 2018
<b>Applicant:</b>	First Endeavour LLP
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce And Stoneywood
<b>Case Officer:</b>	Daniel Lewis



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### RECOMMENDATION

Approve conditionally, subject to legal agreement

## APPLICATION BACKGROUND

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### Site Description

A 2.44-hectare site, which can be divided into four distinct elements – a cleared brownfield site, a surface car park, an area of landscaping (including trees) and a non-adopted road, all located within Farburn / Stonewood Industrial Estate, Dyce. These can be described in more detail as follows:

The cleared site is to the eastern side and previously saw the single storey Excel Leisure Club and a five-storey car park (both associated to BP). This element is c.1.64 hectares and enclosed by temporary hoardings.

The car park comprises c.60 spaces to the west side of the site and sits c.2m above the level of the aforementioned adjacent cleared site. It is owned by the Council and leased to BP, and in use associated to their offices to the south.

Wellheads Avenue, forms the southern and eastern boundaries, this is a non-adopted road which provides access into the BP North Sea Headquarters car park and also connects Stonewood Road with Wellheads Road.

The north-western part of the site comprises an area of landscaping adjacent to Stonewood Road, which contains several mature trees. To the west of this is Stonewood Road (A947) beyond which is the Aberdeen to Inverness railway line.

Beyond the northern boundary are industrial premises occupied by MB Air Systems, comprising a workshop and office building, yard and car park. Further beyond is a petrol filling station. The north-east boundary is Wellheads Road, with a car park and landscaping associated with the residential development at Burnside Drive beyond.

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

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

### Relevant Planning History

- Planning permission in principle (130191) for demolition of all buildings within the site and the erection of three office buildings (11,500 sqm) was granted on 16 August 2013.
- Two subsequent applications for matters specified in conditions relating to the design and layout and technical matters associated with 130191 were approved (140458 in June 2014 and 141027 in May 2018). Although these consents are still live, no work (beyond the demolitions) has commenced on constructing the development.

## APPLICATION DESCRIPTION

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### Description of Proposal

The erection of 283 residential flats, across four blocks. Each building would be set over five storeys and c.16.5m in height, all positioned on a north/south orientation, with each of the four blocks (W-E) containing 56, 77, 83 and 67 flats respectively. Flats would be a mixture of sizes, as indicated in the table below.

Unit Size	Number of Units	Percentages of Total
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One bedroom	158	55.8%
Two bedrooms	113	39.9%
Three bedrooms	9	3.2%
Four bedrooms	3	1.1%

Hard and soft landscaped areas would be provided between the blocks, including: a grassed open play area; two covered seating areas; and two equipped children's play areas.

Car parking would primarily be located to the north, east and southern boundaries (the latter two accessed directly off Wellheads Avenue), with an element between the two westernmost blocks. 178 parking spaces would be provided. Of these, 10 would be for disabled users and 3 reserved for car club vehicles, with the remaining 165 for communal use by occupants of the development. 216 cycle (within and spread across the four blocks) and 19 motorcycle spaces are also proposed in the north-western part of the site.

### Changes since public hearing

The proposal has been amended from that presented at the public hearing on 11 October 2018. The main changes are –

- number of blocks reduced from five to four;
- number of flats reduced from 302 to 283;
- increase in number of one bedroom flats, to better reflect demand on the housing waiting list, and a corresponding reduction in two, three and four bedroom units;
- number of parking spaces increased from 168 to 178
- number of car club vehicles reduced from four to three
- building heights are all now five storey, rather than a mixture of four and five; and
- several minor consequential changes to the site layout and the layout & design of the buildings.

### Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PAVWTEBZMRJ00>

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

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

### Reason for Referral to Committee

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

- six or more letters of representation have been received
- Dyce and Stoneywood Community Council have objected to approval of the application

### CONSULTATIONS

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**Aberdeen International Airport** – No objection. Advise that the latest form of development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria, unless a condition is attached requiring submission and approval of a bird hazard management plan and a landscaping scheme.

**Archaeology Service (Aberdeenshire Council)** – No objection. Recommend that as the former Aberdeenshire Canal passes through the site, a condition should be attached to any planning permission requiring the implementation of a programme of archaeological works. It is envisaged that these archaeological works would consist of an archaeological watching-brief during ground-breaking works.

**ACC - Contaminated Land Team** – No objection. Do not consider that the ground conditions recorded on site represent a constraint to development from a contamination perspective and thus no remedial works are necessary. However, advise that the western portion has not been investigated and that investigations should take place to confirm ground conditions with the results submitted for review.

**ACC - Education** – Advise that as a majority of units (158) contain one bedroom, thus not counted for the purposes of education contributions, that there would be no impact on the school roll at Dyce Academy or Dyce Primary.

**ACC - Environmental Health** – No objection. Advise that the development has potential to be impacted upon by existing noise sources. Also that both helicopter and fixed wing aircraft noise associated with nearby Aberdeen International Airport (AIA), approximately 360 metres to the west, require consideration.

Note that for the three-month period from 15 June to 16 September 2017, those months most likely to be the busiest of the year, there were on average 284 daily flights (or acute noise incidents) at AIA.

Significantly, the site is impacted by airport noise from: ground movements; aircraft take off/landing to the west; and aircraft noise due to flight paths to the north and south. There is also potential for the site to be overflown by departing and arriving helicopters, which would be around 300-400ft above ground level under certain conditions.

Environmental Health (EH) advise that their complaint database indicates that 30 aircraft noise exposure complaints have been received since 1st January 2013. Information from AIA has further advised that from 2014 to 2018 the airport received 80 complaints from parties within the vicinity of the site, with 39 complaints from the Stonewood Road area immediately to the south-east of the airport and 41 from the wider area to the south-east (Bridge of Don, Mugiemoos).

It is noted that there is an existing planning permission condition restricting the times of general helicopter flights, excluding emergencies. However, there is no planning condition restricting fixed wing flight times. It is also understood by EH that since 2005 AIA has operated on a 24-hour basis and only voluntarily adopts Department for Transport night-time noise restrictions, which limit noise levels between the 2300 and 0600 hours. Therefore, the night time flight schedule may be subject to change, thus altering the night-time soundscape at the proposed site.

Additionally, road traffic noise from the A947 immediately adjacent to the west was also considered a significant noise source and considered to impact on the site but this was less concerning, as ground level road traffic noise is easier to mitigate against.

Application of Airport Noise Contour Maps

- In considering aircraft noise the site location was compared to the relevant noise contour maps produced by the Civil Aviation Authority (CAA) every 4 years, these are considered the foremost source of airport noise data. These contours are derived from the common international measure of aircraft noise, the summer 16-hour decibel  $L_{Aeq}$  measurement ( $L_{Aeq, 16 \text{ Hour}}$ ). The contour maps provide average noise levels for the busiest 16 hours of the day, between 0700 and 2300 hours over the busiest three months of the year, from mid-June to mid-September.
- On the current 2016 contour map sees the site intersected by the 60 dB  $L_{Aeq, 16 \text{ Hour}}$  contour, part of the site closer to the airport is located within the louder 60 dB  $L_{Aeq, 16 \text{ Hour}}$  contour. Whilst the larger part of the site falls well within the 57 dB  $L_{Aeq, 16 \text{ Hour}}$  contour.
- Furthermore, within the predicated noise contour map for the year 2020, practically all the site is located within the louder 60  $L_{Aeq, 16 \text{ Hour}}$  contour.

#### Applicable Standards and Policies

According to the 2016 and 2020 contours the UK Government threshold level of 57dB  $L_{Aeq}$  is therefore considered likely to be exceeded at the site, resulting in 'significant annoyance'. Additionally, the World Health Organisation (WHO) Guideline Values for Community Noise advises a noise level more than 55dB  $L_{Aeq, 16 \text{ Hour}}$  in external amenity areas would cause 'Serious Annoyance'.

Policy B4 of the Aberdeen Local Development Plan 2017 advises that applications for residential development in areas where aircraft noise levels are in excess of 57dB  $L_{Aeq}$  (the summer 16-hour dB  $L_{Aeq}$  measurement) as identified on the airport noise contour map will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of Aberdeen International Airport.

#### Noise Impact Assessment Review

The Noise Impact Assessment (NIA) and supplementary information submitted by the applicant provides noise measurement data obtained for 16 days between 18 February and 13 March 2018 (excluding days from 28 February to 6 March) due to exceptional weather conditions and snowfall) on which the applicant's predictions and mitigation measures are based.

- *Comparison of actual levels with Noise Contour Map levels*  
The acoustic modelling duplicated the 2011 noise contours (i.e. the summer noise levels) without the presence of buildings. The buildings and their barrier effect were then accounted for in the model. The predicted levels with barrier effects were then compared to the measured levels (established between 19 February 2018 to 13 March 2018) and were very similar at c.57 dB  $L_{Aeq, 16 \text{ Hour}}$ , which essentially demonstrates the predictions with buildings were correct and that the noise levels at this location do not vary substantially between summer and winter. At this location helicopters are contributing significantly, whilst the seasonal variation in helicopter flights is minimal. Helicopters also come much closer to the site and therefore the noise of the helicopters is also not affected by the buildings in the same way as the fixed wing aircraft. The wintertime measurements in the noise assessment are therefore accepted.
- *Daytime and Night-time Internal Amenity – Average Throughout 16- hour day and 8-hour night*  
The NIA advises that for noise levels within flats during the day, with windows open all but 27 relevant rooms, exceed the daytime limit of 35 dB  $L_{Aeq, 16h}$ .

With windows closed and the stated mitigation measures applied, the internal daytime levels vary from 17 to 32 dB  $L_{Aeq, 16h}$  thus allowing the daytime limit to be met, with essentially a minimum margin of 3dB remaining.

At night the report advises that with windows closed and the stated mitigation measures applied the internal night time noise levels vary from 12 to 27 dB  $L_{Aeq,8h}$  which would comply with the night-time limit of 30 dB  $L_{Aeq,8h}$  again, again with a minimum margin of 3dB remaining. Both the internal daytime and night-time noise levels are therefore approaching the threshold of the relevant standard with little margin for upward variation in noise levels available.

- *Daytime External Amenity – Average Throughout 16 Hour Day*

For external amenity areas, the applicant has applied a standard for the average 16-hour daytime noise level limit of 55 dB  $L_{Aeq,16h}$ . The submitted noise report concludes an average 16-hour daytime noise level limit of 55 dB is acceptable and that minor exceedances of this level may occur and would also be considered acceptable. EH note that the external noise levels are currently predicted to be at the maximum noise level limit of the chosen standard.

- *Night time Acute Noise Incidences*

Individual noise events were considered primarily from aircraft movements. The associated relevant noise parameter of  $L_{AMax}$  was used, which is essentially the maximum sound pressure level in decibels within a specified measurement period.

The limit for internal maximum sound levels is that  $L_{AMax}$  should not exceed 45 dB more than 10 to 15 times per night. The NIA advises the internal maximum noise levels were 36 to 40 dB  $L_{AMax}$  with windows closed, which is acceptable.

- *Daytime Acute Noise Incidences*

Unlike the night-time period, a relevant standard stipulating a daytime limit for the maximum sound levels ( $L_{Amax}$ ) does not exist. However due to noise levels from aircraft passes experienced on a number of visits to the site, this parameter was considered extremely relevant.

The following table includes average daytime (16-hour day between 0700 to 2300) numbers of aircraft departures and arrivals at AIA during the relevant 16 days of the noise survey and summarised information relating to daytime  $L_{Amax}$  recorded at the two monitoring locations during the same period.

Average No. of <u>Helicopter</u> Departures and Arrivals	Average No. of <u>Fixed Wing</u> Departures and Arrivals	Average No. of <u>Combined</u> Departures and Arrivals	Range of $L_{AMax,15\ min}$ (dB)	Average of upper limit of Range	Average of $L_{AMax,15\ min}$ (dB)
173	86	259	56 to 91	82	72

The most frequently occurring daytime  $L_{Amax}$  obtained from the 15minute measurements (rounded to the nearest whole number) was 75 dB  $L_{AMax,15min}$ . It is also noted that an event of 104 dB  $L_{Amax}$  occurred on 8 March (c.18.24 hours) and confirmed by the acoustician as a helicopter pass noise. This was however considered unusual.

Additionally, when required and primarily dictated by weather conditions south-east bound departing and arriving helicopters (primarily using runway 14/32) will pass closer to the site. Over the 16-day monitoring period this runway was used by approaching or departing helicopters on 10 out of the 16 days, with daily movements ranging from 1 to 34 and 140 movements in total during normal operational hours.

Conclusion

EH consider that the noise impact assessment has reasonably demonstrated the current average noise levels at the site are lower than the 2011 and 2016 CAA noise contour map, due to barrier



effects of buildings between the site and airport. The measured external levels at the site were essentially at the threshold of the significant 57dB  $L_{Aeq\ 16\ Hour}$  noise level, before any noise mitigation.

However, the 2020 CAA contour map predicts that noise levels at the site will increase. AIA has confirmed that passenger numbers and Air Traffic Movements have not risen in line with the forecasts as noted in the 2013 Airport Masterplan and as such the noise levels predicted within the 2020 contours will not actually occur at that point. AIA has however advised the noise contours remain linked to passenger figures and that the 2020 forecast contours are still relevant in relation to 4 million combined fixed wing and helicopter passengers. Thus whilst these passenger numbers will not be achieved by 2020, AIA assume that this threshold figure (and the related increased noise contours) will be achieved thereafter and certainly by 2030.

AIA has also advised that, in addition to the oil and gas industry downturn which was attributed to the predicted passenger numbers not being reached, other variables to consider include: that changes by airlines to newer and quieter fixed wing aircraft has been slower than predicted; and that the Eurocopter EC225 Super Puma helicopter in general has been replaced by the Sikorsky S-92, which tends to be slightly noisier.

Furthermore, the NIA concludes that the predicted noise level at the site will have reduced to similar levels as currently occurring by 2040, 21 years from now.

Whilst it is speculated that average noise levels across the site are predicted to increase in the future and then decrease back to current levels by 2040, due to the numerous variables it cannot be said with any certainty when these changes to the soundscape in the vicinity of the proposed site will occur.

Overall, when considering the findings of the Noise Impact Assessment and current achievement of the relevant standards with mitigation and in light of confirmation that the 2020 noise contours on which this Service's previous objection was essentially based, will not be achieved in the reasonably foreseeable future, the initial objection to the proposal is withdrawn. Notwithstanding this, acute noise incidences from aircraft may well have an impact on the site due to their frequency and noise level. However, a relevant standard stipulating a daytime limit for maximum sound level ( $L_{Amax}$ ) to compare this parameter does not exist.

Should the application be approved it is recommended that noise mitigation measures, achieving at least an equivalent effect of those measures currently contained within the report, be applied.

**ACC - Flooding and Coastal Protection** – No objection.

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

**ACC - Land and Property Assets** – Confirm the Council owns the western part of the site, primarily the car park and landscaped area.

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

- Walking and Cycling – Public footpaths link the site to the nearby Dyce neighbourhood centre located on Victoria Street, with convenience retail stores, banks, doctors, pubs and other services within a 10-minute walk. The extensive Donside parklands are approximately 600m away and are part of the Green Space Network, which can be accessed by public landscaped

footpaths along Riverview Drive. Dyce Train Station, Dyce Primary School & Dyce Academy are also within 15 minutes' walk. There is a shared on-road cycle route that passes immediately to the west, linking to the wider cycle network.

- Public Transport – There are a number of bus stops within 400m. These see regular bus service in both directions. Dyce railway station is ~1km from the site, and Aberdeen International Airport ~4km away.
- Parking – The updated submission shows there to be 216 cycle parking spaces proposed. ACC standards only require 114 (1 space per dwelling up to 30 dwellings, and 1 space per 3 dwellings thereafter), thus an overprovision of 102. The applicant may wish to consider adhering to the standard.
- There are 19 motorcycle parking spaces proposed. ACC standards require 1 space per 8 flats – equating to 35 spaces. However, it is generally accepted that this maximum standard is onerous and thus there is no concern with this shortfall.
- It is assumed that the development will be rented social housing (i.e. eligible for lesser parking requirements than other tenures). Given the 'outer city' location of the site, a standard of 0.8 spaces per unit is relevant. This equates to a total of 226 parking spaces. 175 spaces + 3 car club (each car club space is the equivalent of 17 spaces) are provided which equals 226 spaces, as such there is no shortfall. Given that a large number of cycle parking spaces are being provided, as well as nearby public transport provision, the parking standard is accepted.
- It is worth noting that if the applicant were to reduce the number of flats proposed, this would have the double benefit of requiring less parking but providing more floor area upon which to provide parking. This has already been undertaken between revision 1 and 2 of the roads response.
- It is noted that a large proportion of the parking would see perpendicular access off Wellheads Avenue. Typically, such a large amount of perpendicular parking accessed off a main road would not be allowed, however as this road is within the applicant's site boundary and not proposed for adoption there is no issue with this. However, these roads should maintain adequate width such that they are fit for purpose, and that 6m aisle width is provided to facilitate parking.
- All parking bays appear to be 5m x 2.5m, which is acceptable. No electric charging points appear to be shown on the plan. The applicant should confirm how many are proposed and their location.
- The narrowing on road 1 beside the road 1 / road 3 junction creates a road narrowing right at a 90° bend. Swept path analysis shows that a vehicle approaching from inside road 3, exiting onto road 1, has to begin its' manoeuvre on the wrong side of the road. The applicant should confirm whether this narrowing necessary.
- No electric charging points appear to be shown on the plan, nor are they mentioned in the parking break down legend. The applicant should confirm how many are to be provided, and their location.
- Development Vehicle Access –It is noted that two junctions are proposed for adoption and connect to the adopted road network (Wellheads Road). These are to be designed to Aberdeen City Council standards.

- A 3.5m wide unobstructed path with access from the north and south for fire service use is shown through the two landscaped areas between blocks 2, 3 and 4. From a roads perspective this appears acceptable and the fires service have confirmed they have no concerns.
- Internal Road Layout – It is envisaged that a 20mph zone would extend from Wellheads Avenue, and incorporate the adjacent advisory 20mph areas, however the details of this are to be agreed with Traffic Management through a traffic regulation order (TRO). It is noted that visibility splays have been shown assuming 20mph speed limits, however these junctions are all on 30mph industrial roads, with only advisory 20mph signage. If the above TRO is applied these junctions will be accepted.
- Forward visibility has been shown for a design speed of 19mph, on the bend at the South-East of the site. However, this forward visibility passes through multiple parking spaces, which is not acceptable as these zones cannot guarantee forward visibility.
- Traffic calming design is evident in several locations –
  - To the east, a chicane is shown which is appropriate. Parking located to the rear of each curve of the chicane will also encourage slowing of traffic.
  - The applicant has provided a swept path which confirms that the parallel parking bay nearest the chicane does not work – the vehicle overruns the grass by a significant amount. These bays should be moved away from the chicane.
  - To the south, a single long speed table is proposed, this is a betterment relative to what was previously presented as it allows parking spaces to remain 5m from ramps.
- The Long Sections provided show that the internal roads are to be in cross-fall and not proposed for adoption. This is acceptable; however, the applicant should note that a cross fall arrangement will likely prevent them from being adopted at a future date.
- On the swept path analysis there are in a few instances a marginal overlap of the 250mm buffer, however as these occur in areas without footways it is not a safety concern. The one major overlap is with a large car parking in the aforementioned parallel parking bay. This should be amended.
- Traffic – The previously consented office development was required to provide a right turn lane from Riverview Drive onto Wellheads Road. However, the proposed development will generate significantly less traffic along this route. As such, it is felt that this improvement is no longer necessary.
- No strategic traffic mitigation measures are required.
- Drainage Assessment – The applicant's drainage proposals rely heavily on permeable surfacing with stone filter trenches beneath. From experience, it is noted that porous lock-block is ineffective – particularly when utilised on a non-level road. New surface water sewers are also proposed to service the development and will be located within new roads and areas of open ground. It is stated that run-off from internal roads and existing roads will drain to the areas of permeable paving. As none of the roads are to be adopted, as adequate levels of SUDS treatment are to be provided, and as no water is to drain onto any adopted roads, the proposed drainage plan is sufficient.
- Other – 'Safe Routes to School' assessment has been undertaken. This appears to be robust and shows that there are safe routes from the development to both Dyce Primary and Dyce Academy.

- It is noted that no residential travel pack has been provided, this should be conditioned.
- Internal bin stores are shown in blocks 1, 2 and 4, with block 3 and parts of blocks 2 and 4 utilising external bin stores. These external bin stores are within 30m from exit doors of respective flats, and the distance from bin stores to pick up locations is acceptable, at a maximum 15.9m.

**ACC - Waste Strategy Team** – Layout generally acceptable in terms of waste collection requirements.

**Developer Obligations Team (Aberdeenshire Council)** – Advise of the following developer obligations to address the impact of a development on local infrastructure, and requirements under affordable housing.

- Primary Education – The catchment area is for Dyce Primary. Factoring this development into the 2017 school roll forecasts will not result in the school going over capacity, thus no mitigation is required.
- Secondary Education – The catchment area is for Dyce Academy, again factoring the development into the 2017 school roll forecasts will not result in the school going over capacity. Thus no mitigation is required.
- Community Facilities – In this instance, plans for expansion of community facilities are not at an advanced enough stage to secure a contribution.
- Sport and Recreation – A development of this scale will impact significantly on the capacity of nearby sports facilities. The closest public facilities are Bucksburn Swimming Pool and Beacon Sports Centre. Contributions (£49,450) are sought for these facilities, to increase capacity to cater for the additional residents this proposal will generate.
- Core Path Network – Core paths and links to the Core Paths Network are required for recreation and sustainable active travel. New developments are required to install or upgrade core paths that are designated within the site and contribute to any cumulative impacts on surrounding core paths. In this instance, a contribution has been identified towards Core Paths CP6/AP6 and CP71 which will serve this development. A contribution of £73,582 will be directed towards resurfacing and making these paths more cycle friendly.
- Open Space – Services have been consulted, however, no response has been received. Therefore, in this instance, no contribution is sought.
- Healthcare – Infrastructure requirements have been calculated with NHS Grampian, based on national health standards and by estimating the likely number of new patients generated by each proposed development. Contributions are calculated using nationally recognised space standards and build costs, based upon the population requirements for GP surgeries, dental chairs and community pharmacies. In this instance, contributions of £202,462 will be directed towards replacing the existing health centre at Dyce, which will allow for a greater capacity of patients.

**Dyce and Stoneywood Community Council** – Object on the finalised scheme on the following basis:

- The proposal is not consistent with policies H1 (Residential Areas) and H3 (Density) of the Local Development Plan. The massing and bulk of closely spaced multi-storey blocks constitutes

overdevelopment of the site; the 'inner-city' style blocks are totally unsympathetic to the low-density housing in Dyce village and therefore will have an unacceptable impact on the character and amenity of low density surrounding area;

- The parking provision is not adequate and will lead to 'spillover' parking on adjacent streets, with consequent road safety issues;
- In terms of Policy H2 (Mixed-Use Areas), the flats themselves will have poor amenity, being aligned on a north-south axis and hemmed-in by business and industrial sites, not well connected to Dyce village and subject of airport noise; in terms of Policy H4 (Housing mix) there is no evidence that Dyce village requires this number of affordable units at this time. We note that this site is not identified as a 'brownfield' or opportunity site for housing in the Local Development Plan.
- Density of 124 dwellings per hectare (302d / 2.44ha) is excessive; it does not create an 'attractive residential environment' in a suburban (rather than inner city) setting (Policy H3).
- Severe pressure on community facilities and services in Dyce village, especially the health centre [the population of Dyce will be increased by about 12% (7000 to 8000)].

Taken together, the community council consider that the flats do not meet the criteria of Policy D1 (Quality placemaking by design).

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

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

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

**Scottish Water** – No objection.

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

## **REPRESENTATIONS**

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On the initial submission of the application, 323 representations were received. 283 of these object and 36 are in support.

On receipt of amended plans, reducing the number of units within the development, a second round of neighbour notification and re-advertisement in the press was undertaken. Five representations reaffirming an earlier objection to the proposal were received.

### **Objections**

The matters raised in objections can be summarised as follows –

#### Scale, Layout and Design

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

#### Amenity (Within the Development)

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

Amenity (Impact on Existing Uses)

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

Public Services and Infrastructure

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

Transport

22. The level of parking proposed is very limited and as a result indiscriminate parking will take place in the surrounding area. It is incorrect that those on lower incomes have lower car ownership rates; parking provision should be increased to reflect this.
23. The existing car park (used by BP) at the western end of the site would be lost, resulting in vehicles being displaced into the local area.
24. The location of the site is not suitable for a 'low car development', especially for those on low incomes that would need to use public transport, which is already limited in capacity and frequency.
25. Traffic congestion in the Dyce area is already a significant issue, especially at peak times. This development would exacerbate the issue.
26. The AWPR would not alleviate traffic in Dyce as the problem is at peak times when traffic is associated with people who live and work in Dyce.
27. Surrounding roads are already in a bad state of repair, with the development exacerbating the problem.
28. It should be ensured there is access for emergency vehicles.

29. Stoneywood Park has no pedestrian crossing at its junction with Stoneywood Road. This road is wide and difficult to cross at peak times which with increased footfall, including children, an accident waiting to happen.

#### Other

30. New properties would decrease house prices and destabilise the market.

31. The type of housing proposed gives concern over crime and antisocial behaviour.

32. The development would have an adverse impact on local wildlife and the river, though an increase in pollution and litter.

33. The housing at Burnside Road is owner occupied, whereas what is proposed would be rented, potentially creating social divisions.

34. There would be disruption during construction.

35. Approval of the development would risk setting a precedent for future developments.

36. The site should be zoned for new community facilities and amenities such a school, a pharmacy, a health centre or a leisure centre or similar.

37. The proposal has changed from Council to affordable housing.

#### Administrative

38. There was a lack of publicity for the application.

39. Notifications were delivered at the start of the school holidays when many families are away and the time period for submitting representations was too short.

40. Many of the representations of support are from those involved in the proposal.

41. The developer has maximised the amount of development on the site, knowing that it would be unacceptable, but in the knowledge that a lesser amount would be accepted.

#### **Supportive Comments**

42. More affordable housing is required in the city.

43. The development would provide an affordable place to live in a good location and help address rising housing demand.

44. The development looks well planned and the site is ideal for large scale development.

45. Ground floor flats would provide opportunities to make provision for particular housing needs.

46. The development can take advantage of the existing infrastructure and community networks in place in the area.

47. There is plenty of green space provided.

48. The development is in keeping with its surroundings



## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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

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

- Scottish Planning Policy (2014)
- Designing Streets (2010)
- Planning Advice Note 1/2011 (Planning and Noise) and Technical Advice Note

### **Local Policy**

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

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

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

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

## Other Material Considerations

- World Health Organization (WHO) – Guidelines for Community Noise (1999)

## EVALUATION

### Principle of Development

#### Noise

Scottish Government Planning Advice Note (PAN) 1/2011 promotes the principles of good acoustic design and a sensitive approach to the location of new development. It promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected, and that new development continues to support sustainable economic growth. Issues which may be relevant when considering noise in relation to a development proposal include:

- Type of development and likelihood of significant noise impact,
- Sensitivity of location (e.g. existing land uses, Noise Management Areas, Quiet Areas),
- Existing noise level and likely change in noise levels,
- Character (tonal, impulsivity etc), duration, frequency of any repetition and time of day of noise that is likely to be generated.

When considering applications for 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 are likely to be relevant, as will the extent to which it is possible to mitigate the adverse effects of noise.

On residential development specifically, PAN 1/2011 states that it is preferable that satisfactory noise levels can be achieved within units with windows sufficiently open for ventilation. 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. Satisfactory internal noise levels with open windows may not always be achievable, but are always preferable. Where satisfactory levels with open windows are not achievable, practicable mitigation solutions should be explored, taking into account their possible impact on the built environment. Design solutions may be possible, such as locating living rooms and bedrooms on the opposite side of a building to the source of the noise or use of windows designed to provide for ventilation while providing improved sound reduction. In some circumstances however, closed windows with alternative means of ventilation may be unavoidable. Passive systems may be considered but mechanical ventilation should only be used as a last resort. 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.

As the main sources of noise is from the nearby airport, to avoid any ambiguity, the roles that different organisations associated with the airport are explained below –

- The Civil Aviation Authority is the UK's civil aviation regulator and produces noise contour maps for the airport every four years. The CAA are not a statutory consultee on planning applications and would not be expected to comment thereon.
- Aberdeen International Airport (AIA) is a statutory consultee for airport safeguarding, to ensure that development does not affect the safe operation of aircraft operations. It is also a commercial organisation like any other and can submit a representation on any application should it feel its interests would be affected. On this occasion no representation has been received from the

airport, other than on statutory safeguarding matters.

- NATS are a statutory consultee for the safeguarding of the Perwiness radar. They have no role in the consideration of the impact of aircraft noise.

As detailed above the CAA airport noise contours are considered to be the authoritative source of airport noise data. Based on the *UK Aircraft Noise Index Study* published in 1985, the CAA consider that if the average noise level in an area from 0700 to 2300 is more than 57 decibels (57dB  $L_{Aeq, 16 \text{ hour}}$ ), it will be "significantly annoying" to the community that live and work there. As such the Local Development Plan does not support residential development within the 57dB contour which surrounds Aberdeen International Airport. Policy B4 (Aberdeen Airport) states –

*“that applications for residential development in areas where aircraft noise levels are in excess of 57dB  $L_{Aeq}$  (the summer 16-hour dB  $L_{Aeq}$  measurement) as identified on the airport noise contour map will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of Aberdeen International Airport. For proposed development which would be located within the remaining noise contours, applicants may be required to submit a noise assessment demonstrating that an appropriate level of residential amenity could be achieved.”*

More generally, Policy T5 (Noise) indicates that housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.

The most recently produced AIA noise contours are for 2016, which show the application site straddling the 60dB contour, well within the 57dB contour. In accordance with Policy B4, the starting point is therefore that the principle of new residential development will not be supported.

As well as the current noise contours forecast contours are available which show that by 2020 noise levels are to increase to around 90% of the site within the louder 60dB contour and 10% within the 57dB contour. The airport has advised that the increase in passenger numbers and corresponding increase in flights and aircraft noise will not occur at 2020, but by 2030.

By 2040, or potentially later given the later increase in noise, noise levels are forecast to have reduced, with around 75% of the site sitting within the 57dB contour and the remainder within the 60dB contour. Therefore, at all times within the short and long term, the expected noise environment for the site is predicted by the CAA to exceed the 57dB noise level.

In order to address the noise matter, the applicant has submitted a noise impact assessment (NIA), this has been reviewed by the Council’s Environmental Health officers. This is a significant material consideration in the determination of the actual impact of noise on the amenity of residents of the proposed development.

#### *Internal Noise*

Within residential properties, it is desirable that ambient daytime (0700 – 2300) noise levels should not exceed 35dB  $L_{Aeq, 16 \text{ hour}}$  in living rooms and bedrooms. At night (2300 – 0700) the limit is 30dB  $L_{Aeq, 8 \text{ hour}}$ . The layout of the development has been designed to minimise the impact of noise, typically by the orientation of the buildings and use of noise barriers at certain locations. The findings of the NIA indicate that during the daytime, with windows open for ventilation, noise in all but 27 of the relevant rooms across the development would exceed the daytime limit of 35dB.

It is therefore suggested in the NIA that higher specification glazing and trickle-vents could be used to lower noise levels to an acceptable level, with windows closed. Mechanical ventilation would also

be required so that windows are not required to be open for ventilation purposes, other than purge ventilation (quick dispersal of smoke or odour from burnt food for example).

With these significant mitigation measures in place and windows closed it is anticipated that internal daytime noise levels would vary from 17 to 32 dB  $L_{Aeq,16h}$ , within the 35dB limit. At night the NIA advises that with windows closed and the stated mitigation measures applied, the internal night time noise levels vary from 12 to 27 dB  $L_{Aeq,8h}$ , which would comply with the night-time limit of 30 dB  $L_{Aeq,8h}$ .

However, single loud noise events also need to be considered independently, as opposed to only the average over 16 hours. The limit for internal maximum night-time sound levels ( $L_{Amax}$ ) is that  $L_{Amax}$  should not exceed 45 dB on more than 10 to 15 occasions per night. The NIA advises the internal maximum noise levels at night were 36 to 40 dB  $L_{Amax}$  with windows closed. This is below the maximum limits and, therefore, considered acceptable in this context.

Unlike the night-time period, a relevant standard stipulating a daytime limit for the maximum sound levels ( $L_{Amax}$ ) does not exist. However due to noise levels from aircraft passes that residents would experience in this location; Environmental Health officers believe consideration of this impact is required. In this regard, during the relevant period which the NIA examined, there were an average of 259 flights per day (0700 – 2300) from the airport as a whole (173 helicopter and 86 fixed-wing on average), with the  $L_{Amax}$  being in the range of 53 to 91 dB and an average  $L_{Amax}$  of 72 db. Although there is no standard to measure against, it is apparent that there would be many acute noise incidences throughout the day which are likely to be disruptive to residents. The number of such incidences is likely to be at its peak when a south easterly flight path is in use which passes close to the south of the site.

#### *External Noise*

For external noise, PAN 1/2011 and the WHO guidance indicates 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.

Specifically, for external areas that are used for amenity space, it is desirable that the external noise level does not exceed 50dB  $L_{Aeq,16h}$  (the point at which moderate annoyance occurs) with an upper guideline value of 55dB  $L_{Aeq,16h}$  (representing serious annoyance). This latter level is acceptable in noisier environments, such as a city centre.

The NIA indicates that with mitigation in place in the form of noise barriers, significant areas of the strategic amenity areas would exceed the upper 55dB guideline limit, with large parts between 59dB and 61dB. Most of the remaining areas, between blocks 3 and 4 which would be used for sitting outside and to accommodate the play areas, would be in the region of 53dB to 55dB  $L_{Aeq,16h}$ , which is within the guideline limit.

The NIA concludes that an average 16-hour daytime noise level limit of 55dB is acceptable and that minor exceedances of this level may occur and considers this acceptable. Whilst this is accepted by Environmental Health officers, for new developments, the WHO guidance advocates an average 16-hour daytime noise level maximum limit for external amenity areas of 50 dB to be more appropriate where feasible. However, where development is desirable, the upper limit of 55 dB is acceptable.

The external noise levels for most of the amenity areas are therefore clearly at the maximum noise level limit of the chosen standard (but does not achieve the WHO guidance level which recommends a lower limit) with no available margin for any increases in noise levels. The areas which would predominately be used for sitting out would generally be in excess of the WHO 50 dB lower limit but within the upper 55 dB limit

### *Summary of noise matters*

With their only being a 3dB margin between the achievable internal noise level and upper limit; and the external noise level exceeding the level recommended by the WHO, there are several factors to consider when deciding if this is acceptable.

- Although noise levels aren't expected to increase as predicted in 2020, they are expected to reach these higher levels at some point before 2030, as passenger and flight numbers increase. At that point it is likely that noise levels experienced by future residents will exceed the limits applicable. However, although these higher levels are expected to reduce to current levels in the longer term, there is no clear indication of how quickly noise levels would reduce between 2020 and 2040.
- Fixed wing aircraft may operate at the airport 24 hours a day, therefore there is no control over when flights may operate or any guarantee that any increase in flight numbers would be accommodated during daytime hours, as opposed to night-time – when there are recognised limits in relation to acute noise incidents. A planning condition does not allow helicopter flights between 2300 and 0600.
- The transition of airline fleets to newer and quieter aircraft has not been as quick as anticipated in the CAA's noise contours, potentially resulting in noise levels decreasing at a lower rate than anticipated. In addition, AIA advise that in recent years Eurocopter EC225 Super Puma helicopters have been largely phased out of North Sea offshore operations and replaced by the larger Sikorsky S-92, an aircraft with a higher noise impact.
- The noise assessment also considered industrial noise from surrounding uses, which was found to be negligible. In this regard, although neighbouring industrial uses may not at presently undertake noisy activities, the lawful use of the premises as 'general industrial' would allow any industrial activity to take place without further planning approval, and noise levels could fluctuate such that the period measured did not reflect the potential of the existing operation. Thus, activities could be noisier than present.
- PAN 1/2011 (Planning and Noise) indicates that it is preferable that satisfactory noise levels should be achieved within dwellings with the windows sufficiently open for ventilation. The planning authority's typical approach in the case of large developments, is that it can be accepted that a small number of properties may experience less than ideal noise levels and may have to utilise significant mitigation measures, such as: closed windows and alternative means of ventilation. However, in this proposal, the majority of the development would require closed windows to achieve acceptable internal noise standards. This significant difficulty in achieving amenity standards is reflected by the fact that the Council has adopted Policy B4 as part of the LDP, which does not accept the principle of residential development in this area.

The submitted noise impact assessment, demonstrates that with the significant mitigation measures in place the specified internal noise limits would be met, although noting a 3dB margin. There are several variables which may or may not result in noise increasing over the next decade, before potentially returning to current levels. For external noise, small areas of the site would see levels below the lower limit where 'moderate annoyance' would be expected to occur. The majority of sitting out areas and the play areas would be within the upper limit, whereas the remainder of the site is above that limit, at the level where 'serious annoyance' is likely to occur.

Considering that the variables contributing to the future noise environment are uncertain, they cannot be relied upon for decision making in terms of whether noise will increase or decrease in future years at this stage. Internal and external noise limits are currently met (albeit external noise

is generally at the very limit of acceptability), and therefore it is considered that findings of the NIA and associated mitigation measures would be acceptable, in accordance with Policy T5 and thus considered a material consideration which would outweigh the automatic presumption against residential development contained within Policy B4 of the Local Development Plan. (*Issue 9*)

## **Land Use Zoning**

The site is zoned for mixed use development (Policy H2) within the ALDP. However, there is no automatic assumption that residential use is acceptable within such areas and the policy requires that all proposed development therein must take into account the existing uses and character of the surrounding area, and avoid undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity.

In this regard the existing character of the area is predominately commercial and industrial, with residential also present further to the north-east. The BP North Sea Headquarters with associated car park is to the south and generally considered a benign use which wouldn't conflict with residential use. However, to the north and east are industrial uses, which are generally potentially incompatible with residential use. In response the noise assessment carried out by the applicant indicates that no sound was audible within the site from industrial properties. It should however be noted that the planning authority have no control over the industrial activities which take place at these premises and whilst no disruptive activities appear to have taken place during the time of the noise assessment, this is not to say that this would never be the case. However, it is not anticipated that any particularly loud uses would take place, based on the available information. Additionally, no complaints are known to have been received from the existing residential development at Burnside Road or Burnside Park which have a similar relationship to the adjoining industrial uses.

It is inevitable that redevelopment of the site would introduce more activity into the Burnside Road area. However, residential development is not considered to be a disruptive use in itself and therefore this is not of concern. (*Issue 15*)

In summary, given the existing mix of uses, it is considered that residential use could be satisfactorily accommodated on the site without automatically or obviously prejudicing the existing uses, thus can be considered in accordance with Policy H2. (*Issue 9 and 12*)

## **Transportation**

New developments are required by Policy T2 to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Additionally, Policy T3 requires developments to be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and that the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must also be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling. With a view to demonstrating compliance with these policies, a transport assessment (TA) has been submitted.

### Accessibility

The existing networks of pavements link the site to the surrounding areas of Dyce. A new footpath would be provided within the western part of the site, to provide more direct access northwards towards the nearby bus stops on Stoneywood Road, Dyce neighbourhood centre and railway station which are approximately 1km away, although the Tesco Express store is closer at around 550m. There is also a small convenience store at the BP petrol service station which is around 30m from the site boundary. The accessibility of the site is acceptable, with adequate links to local services

and to train and bus services serving the wider area. Revised proposals have introduced a path to the length of Wellheads Avenue. (*Issue 5*)

Concern has been raised that the Stoneywood Road / Stoneywood Park junction is difficult to cross at busy times. This junction is on the way to the Co-Op and M&S retail units at Stoneywood, just over 1km away. However, no requirement for a pedestrian crossing has been identified by the TA or the Roads Development Management Team. (*Issue 29*)

No upgrading of bus stops is considered to be required. Safe routes to Dyce Primary School and Dyce Academy, which are approximately 12 minutes' walk away, have been identified, with no works to the routes required. (*Issue 24*)

### Traffic

Analysis of the two nearest junctions (Riverview Drive / Wellheads Road and Wellheads Avenue / Stoneywood Road) was undertaken as part of the TA.

- The greatest impact is during the evening peak hour with 20 development trips travelling northbound on Stoneywood Road, a 2.5% increase. When considering the combined 2-way impact on Stoneywood Road the development impact would be 1.9%.
- Most of the development traffic would be expected to route via the Wellheads Avenue / Stoneywood Road junction. On the Wellheads Avenue approach to the Stoneywood Road roundabout the percentage impact in the morning peak hour would be 73.4%. Whilst this would initially appear high, this is because with the base traffic flow being only 48 vehicles with an additional 35 being generated by the development. In the evening peak hour, the percentage impact is 9.5%, with a development traffic flow of 21 in addition to the base traffic flow of 220. Given the low base traffic flow, it is considered that this impact is minimal.
- On Riverview Drive, the development would generate sixteen two-way vehicle movements between Wellheads Road and Victoria Street during the morning peak hour, an impact of 1.3% going towards Victoria Street and a 1.9% impact towards the site.

At the same junction, during the evening peak hour the development would generate 14 two-way vehicle movements. This would result in a 2.1% impact heading west towards the Victoria Street roundabout. Travelling east from the Victoria Street there would be a 1% impact.

The AWPR is expected to result in significant reductions along the A947 Stoneywood Road / Victoria Street corridor and Riverview Drive and therefore it is considered that the traffic impact is not of a level that requires any further assessment. (*Issue 26*)

The traffic analysis has been reviewed by the Roads Development Management Team and found to be acceptable. The impact on the junctions considered is below the threshold at which any intervention would be required. The development would have a significantly less impact than the previously consented office development. (*Issue 25*)

The existing state of the roads is not a matter which can be addressed through a planning application. The Council are responsible as roads authority for the appropriate maintenance of adopted roads. (*Issue 27*)

### Access and Parking

Existing junctions on Wellheads Avenue and Wellheads Road would be upgraded to provide access into the internal roads and car parks. Car parking would be located around the edge of the site, predominately along the northern boundary and at right angles along the two lengths of Wellheads

Avenue. ACC guidance indicates that for social housing developments, 0.8 spaces per flat should be provided, a total of 226 parking spaces. The applicant has proposed –

- 178 physical car parking spaces (10 of which are reserved for disabled users and 3 for car club, leaving 165 for general use, including visitors – an overall rate of 0.63 per unit or 0.58 spaces per flat taking account of disabled and car club spaces)
- 3 car parking spaces for car club vehicles (which in accordance with supplementary guidance account for 17 spaces each, or 51 in total).
- 216 cycle spaces spread across four stores internal to each block
- 19 motorcycle spaces

The Roads Development Management Team consider the site to have a good level of accessibility and in combination with the high level of cycle parking proposed, results in an adequate level of parking.

Notwithstanding, there are concerns with the arrangement of spaces and how parking would be controlled. To prevent unauthorised use of parking spaces, it is normal in flatted developments to install an access barrier to control access. Indeed, the basis of the standard is that all spaces would be available only to those residents within the development. However, a total of 61 spaces would be located on Wellheads Avenue, a non-adopted street advised to be under the control of the applicant, but which is available for public use (linking Stoneywood Road and Wellheads Road) and also provides access to the BP office car park. As these spaces access directly onto the road, control of their use may be difficult. Solutions such as a hinged locked parking bollards, which only one person had access to would not be suitable and in any case could result in cars waiting on the road whilst the pole was unlocked.

What makes this matter of particular concern is the risk of indiscriminate parking taking place, restricting the level of parking spaces available to occupants of the development.

In addition the removal of the existing car park on the site would result in the loss of around 60 parking spaces, which it is understood are currently used by BP employees. The applicant's TA does not consider the loss of this car park, or what the alternative arrangements for those users may be, or what the impact upon parking demand may occur. Whilst the BP office building would have had a level of parking provided with it which was suitable for its size, based on the relevant considerations of the time, the fact that they are leasing the 60 spaces off site, suggests that their main car park is operating at capacity. Parking standards are set at levels which attempt to provide adequate parking provision, however overprovision can also reduce travel by alternative forms of transport through the promotion of car use, resulting in the worsening of congestion and air quality. Therefore, whilst from a policy perspective there may be no desire to replace the 60 spaces, it is likely that in the short term, until BP employees have adjusted to having less parking available, that indiscriminate parking may take place in the area. This may include those spaces proposed as part of the development, unless adequate controls are put in place.

In response, the applicant has proposed several measures. In the first instance it would be proposed to install signs indicating that the parking is private, BP would be made aware of this. If indiscriminate parking still became a problem, it is indicated that a parking warden would be introduced, at the expense of residents, to manage parking associated to the development. If further controls were still necessary, then physical interventions such as: cameras or remote-controlled barriers within spaces would be implemented. The potential effectiveness and practicality of some of these solutions has not been formally assessed, however overall it is considered that measures could be put in place to



prevent unauthorised parking. A condition is attached requiring the spaces to be used only by vehicles associated with the development and to be demarcated with appropriate signage. (*Issue 22 and 23*)

To ensure sufficient access for emergency vehicles between buildings, clear routes are identified which it is proposed emergency vehicles could utilise. Such access would be a Building Standards requirement. (*Issue 28*)

## **Layout, Design and Amenity**

### Scale of Development

Policy D1 states that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Housing developments larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, as per Policy H4. In this instance the development exclusively consists of flats, although of one, two, three and four bedroom sizes. This mix has been proposed in response to the requirements of the Council's housing waiting list and therefore is welcomed, as it would address identified demand. It has been suggested in representations that housing rather than flats would be more appropriate, however the planning authority must consider the application as presented. In this instance, Dyce already has a high proportion of houses and low proportion of flats, therefore in the interest of creating sustainable mixed communities with different cross sections of society within them, a development of flats is not considered to be unreasonable. It is therefore considered that the aims of Policy H4 are met. (*Issue 6*)

The density is considered high, at just under four times the guideline minimum requirement within Policy H3 (Density), set at 30 units per hectare. In this case the site is around 2.4 hectares, giving a guideline minimum requirement of 72 units. However, this is a minimum and the development of flats generally sees an expectation of higher densities. Specifically 283 flats results in a density of 117 units per hectare. Such densities are common in certain contexts, such as the city centre where there are plenty of amenities and good public transport links. It is noted that Dyce is not a city centre and that amenities are less expansive, and public transport is not as extensive. However, a high number of units allows efficient use of the land and the delivery of social housing.

Generally, it is seen as desirable that residential units benefit from a dual aspect, i.e. have windows which face out from two separate elevations/in different directions. This is due to the recognition that the provision of more than one aspect can result in multiple benefits for internal amenity. These benefits include: greater internal natural light and the ability to achieve through ventilation by opening windows on two elevations, thus helping to minimise overheating and bringing benefits from solar gain. However, of the 283 units proposed, 206 (72%) would only benefit from a single aspect. Although assessments show that they would receive adequate daylight these single aspect flats would also have a restricted outlook as their own aspect is towards the building opposite. It is often accepted that a small proportion of units within a large flatted development will be single aspect, due to the characteristics of the site dictating such and to make best use of space. It is worth noting, however, that at other recently completed affordable housing developments, there are significantly less or no single aspect units. For example –

- The St Machar Road development, currently under construction by the same developer, features 172 flats, 55 (or <32%) of which are single aspect;
- Craiginches has 98 flats, 21 (or >21%) of which are single aspect; and

- The Council's Manor Walk development, featuring 52 flats, has no single aspect units, with all enjoying a dual aspect as well as balconies.

Although not ideal and limiting resident's amenity, the significant number of single aspects flats allows for a higher number of units to be developed, maximising the use of the land and level of social housing which can be provided. (*Issue 1 and 2*)

The height of the buildings, at five storeys or c.16.5m, is acceptable in terms of how they would sit in the surrounding area. Generally, the areas of site to be developed sits at a slightly lower level than Stoneywood Road to the east, and the surrounding area is characterised by a mix of different building heights. The BP building being largely four storeys and a similar height to the proposed buildings; otherwise residential properties at Burnside Road comprises flats of four storeys and two storey houses, both featuring pitched roofs. Due to differences in levels across the area, the new flats would not be noticeably taller (AOD) than many surrounding buildings, allowing it, in long and medium views, to sit comfortably in its surroundings. It is recognised that Dyce predominately consist of 1-2 storey suburban housing; however, this does not preclude taller buildings from being permitted where appropriate. In addition, the site is some distance from the main two storey housing areas in Dyce; with industrial premises, Riverview Drive and the Marriot Hotel sitting in the intervening space. The closest residential property would be at Burnside Park, c.40m to the north-east. The proposed buildings would therefore not be overbearing on surrounding uses or cause any issues with privacy or overshadowing. (*Issue 13 and 14*) The Stoneywood Road area is also not unaccustomed to larger buildings, with the aforementioned BP building in close proximity and flats at Stoneywood Estate, further to the south, also being of five storeys. All these buildings sit comfortably within the townscape in accordance with the principles of Policy D2 (Landscape). (*Issue 3 and 48*)

The layout and orientation of the buildings, whilst helping in terms of noise and daylight, are considered to result in an institutional character for the development, due to the high density and scale of the blocks. Notwithstanding, the buildings themselves would be relatively simple in design and use of materials, with buff coloured brick, white render and the use of metal cladding to the top storeys providing a contemporary finish. The generous full height windows would help to break up the elevations and provide natural light for occupants.

In summary the buildings would sit comfortably within their surroundings, in terms of their general scale. There is considered significant room to improve the design and layout of development itself, but this shortcoming is not considered to be significant enough, in itself, to warrant refusal of the application

### Waste Management

Policy R6 requires all new flatted developments to have communal facilities with sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Three internal stores have been provided, one each within blocks one, two and four; whereas occupants of block three would use an external store adjacent to Wellheads Avenue. The proposed scheme of refuse storage and collection has been considered by the Council's Waste Management Service and found to be generally acceptable in terms of its their capacity and accessibility. Concern is however raised with the access route to the southern external bin store which require bins to be manoeuvred by Council waste operatives around two corners and past parked vehicles, for more than 20m. This distance being double the 10m stated in the supplementary guidance. Otherwise the remaining bin stores would be a suitable distance from all residents and would allow access to refuse collection vehicles.

## Open Space

### On-Site Open Space

Policy NE4 (Open Space Provision in New Development) and associated supplementary guidance of the LDP requires at least 2.8ha per 1,000 people of “*meaningful*” and “*useful*” open space in new residential development. For a development of the size proposed, this equates to 1.26 hectares of such space. However, on brownfield sites the requirement may be relaxed if developers can satisfy the Council that there are exceptional development costs associated with a site. In this case no such exceptional costs have been brought to officers’ attention and with the site already having largely been cleared and with no apparent significant contamination, no such issues are obvious.

The applicant’s position is that there would be 1.32 hectares of open space provided. The main area of which would be the western portion of the site, adjacent to Stoneywood Road and which features tree on a slope up to the road. This area is to include a path route heading northwards from the site, but is recognised as suffering from significant noise levels. As this existing area of public open space, between the existing car park and Stoneywood Road would be retained, there would be no loss of open space and the integrity of the Green Space Network would be maintained in accordance with Policy NE1. (Issue 8).

There are 59 trees on the west side of the site, adjacent to Stoneywood Road. Four trees would be felled for development, and two transplanted, with the rest remaining. Those being removed would not be significant in terms of their value and their loss would be balanced out by significantly more tree planting as part of the landscaping of the site. The proposal is considered to be in accordance with Policy NE5 (Trees and Woodland)

Private gardens would be provided for a number of properties on ground floors, although none on the west elevation of block 1, the westernmost building. Two play areas and hard landscaped seating areas with covered sections are proposed between blocks 2, 3 and 4.

A review by officers suggests that a more accurate assessment would see a total open space figure of approximately 1.03 hectares. The discrepancy resulting from the applicant including areas of ‘Space Left over after Planning’ (SLOAP) in their calculations. These areas are typically narrow strips of landscaping between parking spaces and buildings and the edge of the site which serve no useful purpose in terms of open space and should not be counted as such.

Importantly, as well as the quantity, the quality of the space needs to be considered. In this respect around 0.18 hectares of the open space is identified as gardens, to provide amenity for some ground floor flats. These semi-private areas are welcomed as they provide a defensible outdoor space for those at ground floor and valuable amenity. However, those in the upper floors, have no private space, such as balconies or communal terraces and therefore would be reliant on the remaining open space within the development. Again, it is worth noting that other recent affordable housing developments do feature external terraces and balconies, such as Craiginches and Manor Walk. However, in this case balconies may not be appropriate due to the high noise profile of the area.

The quality of the communal open space, which would be used for activities such as sitting outside, or allowing children to play close to the home, is considered below.

- The majority of the external amenity space would enjoy direct sunlight at various points throughout the day, with only very small areas adjacent to the corners of buildings receiving less than two hours sunlight on the Spring equinox.
- Much of the open space comprises areas around buildings and are relatively small or directly outside the windows of ground floor flats, leading to potential disturbance for occupants or little

use by upper floor residents who do not wish to be perceived as invading the privacy of those within the ground floor flats.

- The largest individual volume of space is in the western part and close to high levels of noise from aircraft and Stoneywood Road. This would compromise its use for passive recreation to a certain extent, but it still has value for active leisure (walking and cycling). An 'open play area' is some 30m x 20m at its greatest extent, however it is irregular in shape and is located directly outside flat windows and close to Wellheads road and the northern junction thereof. A 'toddler play area' 17m x 17m is positioned again immediately adjacent to ground floor flats, and close to the northern access road and no indication is provided as to how it would be differentiated from any other area is provided.
- Two areas are identified as being 'woodland trails' between 3m and 6m wide and with little trees present, as well as being positioned close to buildings, which may compromise their intended purpose.
- The two equipped play areas would be located between block 2 and 3 and 3 and 4, which is welcomed. When combined the two play areas are approximately 675sqm, whereas the supplementary guidance requires play areas to be a minimum of 1,500sqm. However it is acknowledged that the play areas would generally serve only the development and that due to the high number of one-bedroom flats, the number of children living there is likely to be modest. Although they would benefit from natural surveillance, it is considered that they are poorly positioned, at a minimum 6m from bedroom windows, thus have potential to cause annoyance to residents whose flats are in close proximity. (*Issue 10 and 11*)

#### Accessibility to Public Open Space

In terms of the proximity of existing public open space, the location is outside the threshold distance for: major open space (standard is 1.5km whereas the nearest is 7.8km away); local open space (standard is 400m whereas Riverside Park is 460m away); and allotments (standard is 800m whereas Stoneywood allotments are 1,180m away). The site is within the accessibility standards for neighbourhood local space, outdoor sports facilities and natural green space at Stoneywood. Given the close proximity of these spaces and the only marginal failure in proximity to Riverside Park local open space, it is considered that this is acceptable. No improvements to open space have been identified through the Developer Obligations process.

To summarise, although the quantity and quality of the open space which is proposed on site falls somewhat short of that expected by Policy NE4 (Open Space Provision in New Development) and the associated supplementary guidance, the presence of readily accessible public open near the site means that, on balance, the open space provision is considered acceptable. (*Issue 44 and 47*)

#### **Community Infrastructure Capacity / Developer Obligations**

Concern is raised in objections that community facilities in Dyce would struggle with accommodating the uplift in population that the development would create. Based on the average household occupancy in Aberdeen the development would be expected to accommodate 483 people. Specifically, concern is raised with the provision of capacity at the primary and secondary schools, medical centre and sports facilities (*issue 4*).

The planning service use a set methodology to determine the level of contributions a developer must provide to offset the impact of their development. The Planning Obligations supplementary guidance emphasises that any infrastructure or contributions sought are proportionate to the development proposed.

- The catchment schools of Dyce Primary School and Dyce Academy have capacity. Otherwise any current issues with the provision of education at the schools is a matter for the Council in its capacity as education authority to address (*issue 18*). Childcare provision is not covered by developer obligations (*issue 19*).
- In terms of community facilities, in this instance, plans for expansion of community facilities are not at an advanced enough stage to reasonably secure a contribution.
- The closest publicly available sports facilities are those at Bucksburn Swimming Pool and the adjacent Beacon Sports Centre. A contribution of £49,450.00 has been sought for these facilities to increase capacity. (*issue 20*)
- Provision of healthcare is the responsibility of NHS Grampian and infrastructure requirements have been calculated with the NHS based on national health standards. In this instance, a contribution of £202,462.00 would be directed towards replacing the existing health centre at Dyce. The delivery of a replacement health centre or any existing capacity issues would be for the NHS to address (*issue 17*)
- New developments are required to install or upgrade core paths that are designated within the site and contribute to any cumulative impacts on surrounding core paths. Contributions would be directed towards A contribution of £73,582.00 is sought which would go towards resurfacing and making Core Paths CP6/AP6 and CP71 more cycle friendly. (*issue 21*)
- Services have been consulted on open space, however, at this juncture, no response has been received. Therefore, in this instance, no contribution is sought (*issue 21*).

In summary, developer obligations would be sought to offset the impact of the development on the relevant community infrastructure in accordance with Policy I1. (*Issue 46*)

The development is for social housing and it is planned that it would be operated by the Council. Therefore, it complies with Policy H5 (Affordable Housing).

### **Flooding, Drainage and Water Quality**

Policy NE6 makes provisions to avoid flooding and ensure that surface water and foul drainage are dealt with satisfactorily. A drainage impact assessment (DIA) has been submitted which shows that there are existing combined sewers in the area which can be connected to – a prerequisite in areas where sewers are available. With regards to surface water, permeable paving and stone filled filter trenches would be utilised to provide run-off with two levels of treatment as per the SUDS guidance. Cellular storage would attenuate flows which would finally be discharged into the culverted watercourse located to the north on Formartine Road. The drainage proposals have been reviewed by SEPA and the Council's Flooding Team and found to be acceptable, subject to detailed designs being confirmed by condition.

### **Potentially Contaminated Land**

The site was historically a car park and a health club and has undergone demolition; it is currently undeveloped with some of the historic hardstanding left in-situ. A Geo-Environmental Desk Study has been undertaken by the applicant to determine whether there is any risk from contamination on the land. It has been reviewed by Environmental Health officers who are in agreement that the ground conditions recorded onsite do not represent a constraint to development from a contamination perspective and no remedial works are necessary. However, the western portion of the site where the existing car park is has not been investigated to-date and officers would

recommend that this area should be investigated to confirm the ground conditions and absence of significant contamination. Subject to further investigation taking place which would normally be subject of a condition, the proposal would comply with Policy R2 (Degraded and Contaminated Land).

### **Aviation Safeguarding**

Policy B4 – (Aberdeen Airport) states that any proposed development must not compromise the safe operation of the airport. Matters such as the height of buildings, external lighting, landscaping, bird hazard management and impact on communication and navigation equipment are taken into account in assessing any potential impact. Aberdeen International Airport have been consulted and confirm that a bird hazard management plan would be required and that they would need to be consulted on the landscaping scheme for the development. These would normally be dealt with through a condition.

NATS, operator of the Perwiness Radar was also consulted to determine if proposed buildings and structures would have an adverse impact upon the operation of the radar. NATS has confirmed that there would be the proposed development does not conflict with technical safeguarding criteria.

Therefore, the proposal is in accordance with Policy B4.

### **Other Matters**

Conditions are attached requiring details to be submitted relating to compliance with water efficiency low and zero carbon building requirements, in accordance with Policy R7 (Low & Zero Carbon Build & Water Efficiency). A further condition relating to submission of a Dust Management Plan to mitigate against any dust problems during construction in accordance with Policy T4 - Air Quality, and Construction Environmental Management Plan (at the request of SEPA) have also been attached.

Policy CI1 (Digital Infrastructure) expects all new residential development to have access to modern, up-to-date high-speed communications infrastructure. Given the location of the development it is expected that such infrastructure would be readily available.

### **Other Matters Raised in Representations**

- Dog fouling is a criminal offence. It would be unreasonable to refuse a planning application on the basis that dog fouling may increase as there is separate legislation to address it and this is not a material planning consideration. (*Issue 16*)
- The impact new development has on property prices is not a material planning consideration. (*Issue 30*)
- Any matters of crime and anti-social behaviour would be matters for Police Scotland and the Council as landlord. Police Scotland Architectural Liaison Officer has advised that the area has a generally low-level crime and this development causes no extra concern in relation to crime and a policing perspective. (*Issue 31*)
- The LDP encourages mixed communities with a variety of tenure types and unit sizes, to encourage a diverse range of people to live in an area. Therefore, there is no concern with

allowing rented accommodation adjacent what is reportedly owner occupied only housing at Burnside Road. (*Issue 33*)

- Disruption during construction is not generally a material planning consideration as it is inevitable that this would be the case. Notwithstanding it would be normal practice to attach a condition requiring submission of a construction environmental management plan and dust management plan to protect the environment and to prevent excessive nuisance to residents. Otherwise excessive construction noise is under the control of the Council's Environmental Health service (*Issue 34*).
- Each planning application is considered on its own merits against planning policy and the context of the site. Approval of one application does not set a precedent for another. (*Issue 35*)
- The planning authority is required to consider the application before it, rather than potential alternatives that may or may not happen. Therefore, even if an alternative use was a preference, this application must be considered on its own individual merits. (*Issue 36*)

### **Administrative Matters Raised in Representations**

- The required neighbour notification of properties within 20m of the application site and advertisement in the local press was undertaken in accordance with the Development Management regulations, which allows 3 weeks for responses to be sent to the planning authority. Additionally, the applicant carried out the statutory pre-application consultation process, which comprised: two public events attended by 70 individuals. They also issued 200 letters to homes and business within the vicinity. Over 320 representations were received to the application, which is significantly more than most applications. Therefore, the assertion that there was a lack of publicity for the application is considered unfounded. (*Issue 38*)
- The planning authority do not make allowance for school holidays in terms of notifications as to do so would unacceptably affect the efficient processing of applications. (*Issue 39*)
- The planning authority are aware of a small number of representations being received that appear to be from individuals with business associations to the applicant. Nothing prevents such submissions, and anyone is entitled to submit a representation. (*Issue 40*)
- The planning authority are required to consider the proposal before it, which has been done. (*Issue 41*)

### **Conclusion**

The provision of affordable homes is welcomed and would contribute towards the Council's aim of providing more affordable homes as identified in the Strategic Business Plan. Additionally, the mix of units proposed has been shaped by the requirements of the Council housing waiting list, with specific focus on families. Accommodation is also earmarked for military veterans (*Issue 42, 43 and 45*).

Internal noise limits can be achieved, as a result of significant mitigation measures and when measured with windows closed (albeit external noise is generally at the very limit of acceptability). Acceptable external noise levels can be achieved in many of the identified amenity areas, although significant sections would not. On balance it is therefore considered that the findings of the NIA and associated mitigation measures would be acceptable and constitute a material consideration which would outweigh the automatic assumption against residential development contained within Policy B4 of the Local Development Plan. The variables contributing to the future noise environment are

fairly uncertain in terms of whether noise will increase or decrease in future years and therefore, cannot be relied upon, at this stage as a material planning consideration in determining this application.

### **Heads of Terms of any Legal Agreement**

A legal agreement would be required to secure the payment of developer obligations outlined earlier in the report.

### **RECOMMENDATION**

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Approve conditionally subject to legal agreement

### **REASON FOR RECOMMENDATION**

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The variables contributing to the future noise environment are fairly uncertain and cannot be relied upon in terms of whether noise will increase or decrease in future years. The noise impact assessment demonstrates that internal and external noise limits are achievable (albeit external noise is generally at the very limit of acceptability and some amenity areas would exceed recognised standards). Taking this into account it is considered that acceptable levels of internal and external noise could be achieved in accordance with the threshold noise level identified by Policy T5 (Noise). This detailed site-specific information on noise levels is considered a material consideration which would outweigh the automatic presumption against residential development within the 57dB noise contour contained within Policy B4 (Aberdeen Airport).

Given the existing mix of uses, it is considered that residential use could be satisfactorily accommodated on the site without automatically or obviously prejudicing the existing surrounding uses, thus can be considered in accordance with Policy H2 (Mixed Use Areas).

The integrity of the green space network would be maintained in accordance with Policy NE1 (Green Space Network)

With regards to the requirements of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) the proposal has adequate links to the surrounding urban environment and services, and the traffic impact on nearby junctions is below the threshold at which any intervention would be required. Notably, the development would have a significantly less impact than the previously consented office development. Overall the site is considered to have a good level of accessibility and in combination with the high level of cycle parking proposed, results in an adequate level of parking. However, this parking will require to be robustly managed to ensure that it is not used by parties not associated to future residents.

A sufficient mix of unit sizes is proposed and therefore it is considered that the aims of Policy H4 (Housing Mix) are met. With regards to Policy H3 (Density) despite the density being high, the extent of amenities in Dyce being less expansive, and public transport not as extensive as the city centre, the high number of units allows efficient use of the land and the delivery of social housing. Similarly, although more prevalent than other recent development and limiting resident's amenity, the significant number of single aspects flats allows for a higher number of units to be developed in the manner proposed.

Whilst the scale of the buildings would sit comfortably within their wider surroundings, in terms of their general mass, there is considered significant scope to improve the design and layout of the development from that presented. Although the quantity and quality of the open space proposed



within the site falls somewhat short of that expected by Policy NE4 (Open Space Provision in New Development) the presence of accessible public open elsewhere in the locality means that, on balance, the open space provision is considered acceptable. However, there remains tension with Policy D1 (Quality Placemaking by Design) both in terms of the design and layout of buildings and the spaces surrounding them.

Suitable developer obligations would be sought to offset the impact of the development on the relevant community infrastructure, so as to accord with Policy I1, and the development would be considered to comply with Policy H5 (Affordable Housing) as it is entirely proposed as social housing.

Technical matters relating to drainage Policy NE6 (Flooding and Drainage), Policy B4 (Aberdeen Airport), Policy R2 (Degraded and Contaminated Land), Policy R6 (Waste Management Requirements for New Development) and Policy R7 (Low & Zero Carbon Buildings & Water Efficiency) have been addressed satisfactorily or would be subject of conditions.

## **CONDITIONS**

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### **(01) SITE INVESTIGATION AND RISK ASSESSMENT**

No development shall take place unless a scheme to deal with any contamination on or within the land forming the surface car park part of the site has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 (Investigation of Potentially Contaminated Sites - Code of Practice) and other best practice guidance and include:

- (i) an investigation to determine the nature and extent of contamination;
- (ii) a site-specific risk assessment; and
- (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

Thereafter no block shall be occupied, unless for that block:

- (i) any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
- (ii) a report specifically relating to the block has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the block(s) have been carried out, unless the planning authority has given written consent for a variation. The final block shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies the completion of the remedial works for the entire site, unless the planning authority has given written consent for a variation.

Reason - In order to ensure that the site is fit for human occupation in accordance with Policy R2 - Degraded and Contaminated Land.

### **(02) PROGRAMME OF ARCHAEOLOGICAL WORKS**

No development (including site stripping, service provision or establishment of site compounds) shall take place unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has

been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason - To safeguard and record the archaeological potential of the area, specifically in relation to the former Aberdeenshire Canal which crosses the site, in accordance with Policy D4 - Historic Environment

### (03) TREE PROTECTION

No development (including site stripping or service provision) shall take place unless the tree protection fencing shown on Astell Associates drawing WRD-1805TP (Rev.A) has been implemented. Thereafter the fencing shall remain in place for the duration of construction of the development.

Reason – To protect trees from damage during construction. in accordance with Policy NE5 - Trees and Woodlands.

### (04) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

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

Reason - In order to minimise the impacts of necessary demolition / construction works on the environment.

### (05) DUST MANAGEMENT PLAN

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

Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy T4 - Air Quality.

### (06) BIRD HAZARD MANAGEMENT PLAN

No development associated with any particular phase or block shall take place unless a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Aberdeen International Airport. The submitted plan shall include details of the management of any flat/shallow pitched roofs (pitch less than 15°) on buildings within the site which

may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with *Advice Note 8 ‘Potential Bird Hazards from Building Design’*.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority in consultation with Aberdeen International Airport.

Reason - It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

#### (07) NOISE MITIGATION SCHEME (FLATS)

No development associated with any particular block shall take place unless a scheme demonstrating that the design specification for (i) facades, windows and glazing for that block, and (ii) the living wall acoustic screens, are capable of achieving the necessary noise mitigation contained within the Noise Assessment (60566497\_NIA\_v5\_011118) and dated 1 November 2018, produced by AECOM, has been submitted to and approved in writing by the Planning Authority. Thereafter that block shall not be occupied unless the block has been constructed in accordance with the agreed scheme.

Reason - In order to ensure that residents of the development are adequately protected from external noise.

#### (08) ALTERNATIVE MEANS OF VENTILATION

No development associated with any particular block shall take place unless a scheme demonstrating that suitable ventilation for each of the units within that block has been submitted to and approved in writing by the planning authority. Thereafter no unit within that block shall be occupied unless the buildings have been constructed in accordance with the agreed scheme.

Reason - In order that satisfactory ventilation can be provided to flats without windows being opened, which could result in exposure to excessive noise levels.

#### (09) WATER EFFICIENCY

No development associated with any particular block shall take place unless a scheme of water efficiency for that particular block has been submitted to and approved in writing by the planning authority. The statement should take into account the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development so as to achieve gold standard for water use efficiency in domestic buildings. Thereafter no block shall be occupied unless the approved measures have been implemented in the construction of the development.

Reason - In order to reduce pressure on water abstraction from the River Dee and the impact on water infrastructure.

#### (10) LOW AND ZERO CARBON BUILDINGS

No development associated with any particular block shall take place unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority. Thereafter no units shall be occupied unless any recommended measures specified within that scheme for that unit for the reduction of carbon emissions have been implemented in full. Reason - to ensure that the development complies

with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

#### (11) EXTERNAL FINISHING MATERIALS

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

Reason - In the interests of visual amenity.

#### (12) LANDSCAPING

No development associated with the landscaping of the site shall take place unless a detailed scheme of hard and soft landscaping covering all areas of public and private open/green space has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

- i) Existing and proposed finished ground levels;
- ii) Existing landscape features, trees and vegetation to be retained or removed;
- iii) Existing and proposed services and utilities including cables, pipelines and substations;
- iv) Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting;
- v) Location, design and materials of walls, fences, gates and street furniture;
- vi) Arrangements for the management and maintenance of existing and proposed open space and landscaped areas; and
- vii) Proposed hard surface finishing materials.

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

Reason - In order to integrate the development into the surrounding landscape, increasing the biodiversity value of the site and creating a suitable environment for future residents and to safeguard the operations of Aberdeen International Airport.

#### (13) EXTERNAL LIGHTING

No development associated with the external lighting scheme shall take place unless a scheme of external lighting for the footpaths and car parks has been submitted to and approved in writing by the planning authority. Thereafter no block shall be occupied unless the external lighting covering the car parking spaces, footpaths and communal areas associated with that block has been implemented in accordance with the approved details.

Reason - In order to create a suitable residential & visual amenity and ensure public safety.

#### (14) CAR CLUB PARKING SPACES

That no development associated with the provision of the car parks shall take place unless a scheme showing the location of three 'car club only' parking spaces has been submitted to and approved in writing by the Planning Authority. Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless (i) the car club only parking spaces have been constructed and are available for use and any associated signs or road markings have been implemented, in accordance with a phasing plan if necessary; and (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to car club vehicles only.

Reason - In order to encourage modal shift away from the private car.

#### (15) BOUNDARIES

No development associated with boundaries of the proposed development shall take place unless a scheme (including phasing) of any site boundary enclosures across the entire development has been submitted to and approved in writing by the Planning Authority. Thereafter no unit shall be occupied unless the said scheme has been implemented, in accordance with the phasing plan.

Reason - In order to create a suitable residential and visual amenity.

#### (16) PROVISION OF ACCESS ROAD AND CAR PARKING

No block shall be occupied unless a phasing plan for the provision of the junctions with Wellheads Avenue and Wellheads Road and car parking spaces (in accordance with Halliday Fraser Munro drawing 10611 P(00)003H) has been submitted to and approved in writing by the Planning Authority. Thereafter no block shall be occupied unless the infrastructure associated with that block and identified in the phasing plan has been constructed and is available for use. In the case of parking spaces located on Wellheads Avenue, prior to the occupation of any flat within the development the spaces shall be demarcated with signage as private spaces associated with the development.

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

Reason - In the interests of public safety and the free flow of traffic.

#### (17) PLAY AREA

No block shall be occupied unless (i) details of the proposed play areas; and (ii) a phasing plan for their provision, have been submitted to and approved in writing by the Planning Authority. In designing the scheme reference should be made to Part 8 of the Council's Open Space Supplementary Guidance.

Reason - In order to ensure satisfactory provision of play facilities.

#### (18) DRAINAGE

The development shall not be occupied unless all drainage works detailed in the approved Drainage Assessment (121951-SA – May 2018, Issue 4) produced by Fairhurst or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan.

Reason - In order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

#### (19) WASTE STORAGE PROVISION

No block shall be occupied unless the waste storage area for that particular block has been provided in accordance with Halliday Fraser Munro drawings 10611-P(00)003B and 10611-P(00)019A or such other drawing as may be approved in writing by the Planning Authority.

Reason - In order to ensure suitable waste storage facilities are available for residents and to protect public health.

#### (20) CYCLE PARKING

No block shall be occupied unless (i) the residents cycle store within that block has been constructed and is available for use and (ii) a scheme of short-stay cycle parking for that block, showing the location and design of cycle stands for visitors, has been submitted to and approved in writing by the Planning Authority and such approved scheme has been implemented.

Reason - In order to encourage cycling.

#### (21) RESIDENTIAL TRAVEL PACK

No block shall be occupied unless a residential travel pack, aimed at encouraging use of modes of transport other than the private car, has been submitted to and approved by the Planning Authority. Thereafter the pack shall be provided to each flat on occupation.

Reason - In order to encourage use of more sustainable modes of transport.

#### (22) 20MPH SPEED LIMIT

No block shall be occupied unless a scheme showing a 20mph speed limit along Wellheads Avenue has been submitted to and approved in writing by the planning authority.

Thereafter, no unit shall be occupied unless (i) all signs and markings for the 20mph speed limit scheme have been implemented; and (ii) a traffic regulation order is in place to ensure the 20mph speed limit has effect.

Reason – In the interests of road safety.

#### (23) ELECTRIC VEHICLE CHARGING POINTS

That no flats shall be occupied unless

- (i) details of the type and location of electric vehicle charging points and bays;
- (ii) markings and signage to identify the bays, have been submitted to and approved in writing by the Planning Authority;
- (iii) a phasing plan for their provision, have been submitted to and approved in writing by the planning authority.
- (iii) the charging points and bays shall be provided in accordance with the agreed phasing plan.

Reason - In order to provide for and encourage the use of electric vehicles.

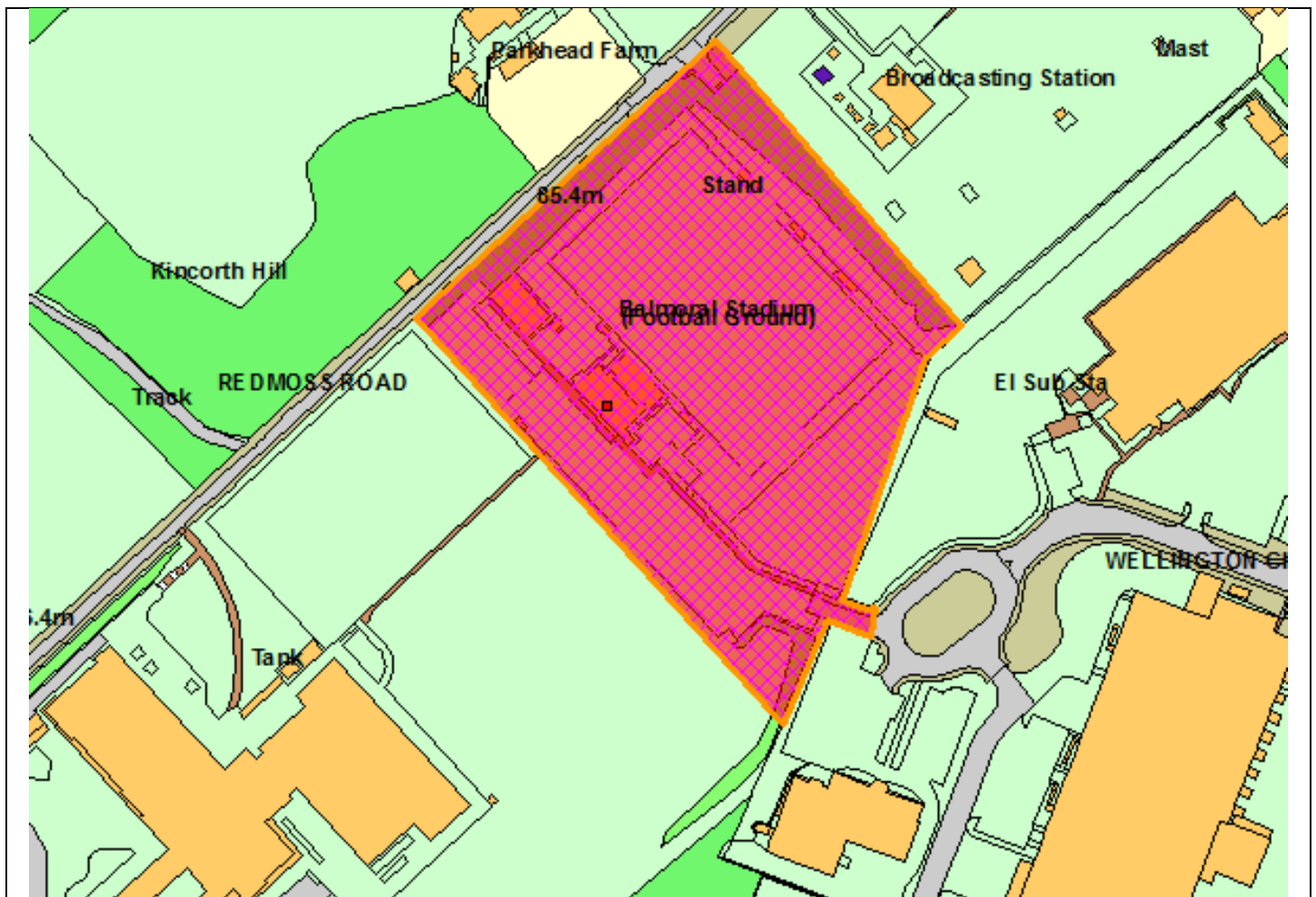


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 21 February 2019**

<b>Site Address:</b>	Balmoral Stadium, Wellington Circle, Altens, Aberdeen AB12 3JG
<b>Application Description:</b>	Installation and extension of steel wall fence, access gate, footpath connection and installation of timber fence with all associated works
<b>Application Ref:</b>	182158/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	8 January 2019
<b>Applicant:</b>	Cove Rangers FC
<b>Ward:</b>	Kincorth/Nigg/Cove
<b>Community Council:</b>	Nigg
<b>Case Officer:</b>	Robert Forbes



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## RECOMMENDATION

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### Approve Conditionally

## APPLICATION BACKGROUND

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### Site Description

The site comprises a recently developed football stadium, used by Cove Rangers (a Highland League club) and Aberdeen Football Club (for occasional reserve league / junior games) with associated / ancillary facilities (e.g. 110 car parking spaces, and landscaping). It lies around 4km south of the city centre. Access is via Wellington Circle which connects with Wellington Road via an industrial estate. There is a change in level of around 1m from Redmoss Road down to the main site level. There is recent tree planting along the verge of this road and on parts of the site.

Redmoss Road, which lies to the north of the site, provides the closest potential pedestrian access from the site to nearby residential parts of the city including Nigg / Kincorth and to the closest bus stop to the stadium entrance, located at the top of Abbotswell Crescent (approx. 750m walking distance away). The closest bus stops located on Wellington Road are around 850m walking distance from the public entrance to the ground via public roads within an industrial estate. Redmoss Road provides pedestrian / cycle access to Lochside School and is closed to motorised / through traffic, unlike Wellington Road which carries a high volume of industrial / HGV traffic.

### Relevant Planning History

Application Number	Proposal	Decision Date
180633	Installation of modular building (supporters facility)	15.06.18
160246	Erection of football stadium	18.08.16

Condition 1 of the above permission requires provision of a footpath connection to Redmoss Road. Condition 10 requires the implementation of an approved landscaping scheme for the site.

The stadium has been in operation since July 2018 without the required footpath link from Redmoss Road having been provided as required by condition 1 of the approval. Although a path link has recently been formed to/from Redmoss Road, this is in a revised position from that shown on the approved drawings and, crucially, public access to it is obstructed by an unauthorised fence and gate. The current application has been submitted following discussion with ACC officials, in attempt to regularise the breach of planning control which has taken place.

## APPLICATION DESCRIPTION

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### Description of Proposal

Planning permission is sought retrospectively for installation of a footpath connection to Redmoss Road in an amended position to that approved under permission 160246, at the western corner of the site, around 20m south west of the approved access position. Permission is also sought for the erection of associated 2.4m high steel fencing and gate along the north-western edge of the stadium facility close to Redmoss Road. Permission is also sought for the erection of a 2.1m high vertical timber slatted fence within the site along the north edge of the car park 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=PK32M0BZJL00>



Supporting statement

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

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

## **CONSULTATIONS**

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**ACC - Land and Property Assets** – No response received.

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

**Police Scotland** – No objection. Note that the path and gate adjacent Redmoss Road have been constructed and that overspill of car parking during match days may occur outwith the stadium, within the industrial estate. Advise that if the gate is used to access the stadium, this may encourage cars to park on Redmoss Road, which has the potential to cause traffic issues into the surrounding streets in and around Redmoss Road.

**Nigg Community Council (NCC)** – Objects on the basis that the pedestrian access onto Redmoss Road should be egress only for emergency use. Have serious concerns regarding traffic generation, indiscriminate parking within the local housing estate and obstruction of emergency vehicle access to Lochside School and the Kincorth Hill. “Residents Parking Only” signs should be installed along Redmoss Road.

## **REPRESENTATIONS**

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An objection has been received from the occupier of Parkhead Farm. They have concerns regarding additional parking pressure on Redmoss Road causing obstruction to emergency vehicles / residents. They advise that vehicles currently park on double yellow lines at certain times.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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

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

Scottish Planning Policy (SPP) states, which regard to transport and planning (paragraphs 287 and 288) “planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

Buildings and facilities should be accessible by foot and bicycle.

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

LR1: Land Release Policy  
OP59: Loirston  
OP61: Calder Park  
D1: Quality Placemaking by Design  
D2: Landscape  
T3: Sustainable and Active Travel

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

### Transport and Accessibility

### **Other material Considerations**

Aberdeen City Local Transport Strategy 2016-2021 (LTS)  
Aberdeen Active Travel Action Plan 2017 (ATAP)  
Wellington Road Transport Study 2018 (WRTS)  
Loirston Development Framework

## **EVALUATION**

### **Principle of Development**

The proposal is directly associated with the authorised use of the site as a football stadium, which is identified as an appropriate use in terms of the OP61 designation within ALDP. As it has no impact on strategic housing or employment allocations there is therefore no need to assess the proposal relative to policy LR1. Provision of the footpath link accords with the sustainable travel objectives of SPP, ALDP policy T3, the LTS and ATAP.

### **Traffic / Safety**

Notwithstanding the concerns of certain consultees and the objector regarding potential indiscriminate parking on Redmoss Road, which are not shared by ACC Roads officers, there is a clear policy justification to seek adequate pedestrian access to the stadium for the public and to improve connectivity with local communities and to encourage use of non-car based transport modes in accordance with wider strategies and plans identified above. No evidence has been provided that use of Redmoss Road as a pedestrian access to the Stadium would result in a road or public safety hazard, or would result in obstruction of emergency vehicles. Indeed the eastern section of Redmoss Road is of significant width over most of its length (i.e. 7.2m) such that it could accommodate car parking without resulting in such obstruction. A section of Redmoss Road east of the vehicle barrier at Parkhead Farm has recently seen footpath upgrade works undertaken by the Council. As Redmoss Road is no longer a through road, it carries a low level of vehicle traffic. It is a designated safe route to school and is an attractive and appropriate route for pedestrians and cyclists attempting to access the stadium from adjacent housing areas or from the city centre.

It should be noted that matches at the stadium likely to generate attendance by the public (e.g. Cove Rangers' Highland League and Scottish Cup fixtures) normally take place outwith times when the adjacent school is in use (i.e. typically 3pm on Saturdays and midweek evenings), so that there would be no risk to the safety and security of pupils attending Lochside Academy due to the arrival/departure of supporters. The Supporting Statement from the applicant states that access to the stadium via the path connection with Redmoss Road will be controlled through the gate and "*will only be used on match days*". A condition can be imposed to control the details of such access. Given the current availability of car and coach parking within the stadium site and the adjacent industrial estate, and the relatively low level of spectator attendance for events compared to, for example, Pittodrie Stadium (generally around 300-500 people), significant overspill parking on Redmoss Road is unlikely to occur and the concerns/objections raised regarding this matter is not considered to warrant refusal of the application.

By enabling enhancement of access to the site by alternative transport modes, including increased bus patronage, the proposal accords with the objectives of both the LTS and ATAP. The WRTS process is currently ongoing and is not due to conclude until 2020. Its weight as a material consideration is therefore limited. In any event, by encouraging access by alternative transport modes and therefore reducing pressure for vehicle access to the site, the proposal results in likely reduced vehicle traffic on the Wellington Road corridor.

In the event that major new housing development is undertaken on additional land to the south west of the site (OP59), as envisaged by the approved Loirston Development Framework and in accordance with such planning permission, the proposed access would allow residents to gain pedestrian / cycle access to the ground without having to make an inconvenient detour along Wellington Road and through an industrial estate. Approval of the proposal would therefore serve to improve sustainable access and connectivity for future residents of that new community.

### **Detailed Design Matters**

The location and routing of the proposed path link would not result in any adverse landscape or visual impact, or adverse impact on identified natural heritage assets.

Although the path link would not be step free, and therefore would not be suitable for certain users (e.g. mobility impaired / cyclists), disabled access and parking is already available via the main entrance via Wellington Circle (7 spaces in total). Given the existence of this alternative main access route, it is considered unreasonable to require that the link to Redmoss Road is also DDA compliant.

The proposed new fencing is considered to be justified on security grounds. The steel fencing as installed is the same design as that previously approved to enclose the pitch. However, the section now proposed extends closer to Redmoss Road by around 7m. It is noted that the site is distant from some sensitive visual receptors (e.g. main approach roads / heritage assets / housing areas), however the steel fencing is somewhat industrial in appearance, somewhat at odds with the character of the adjacent countryside/green belt area to the north-west and is visible outwith the site. A degree of additional soft landscaping (e.g. hedging) is therefore considered to be necessary in order to soften its visual impact when seen from Redmoss Road, in accordance with the objective of policy D2. Subject to additional landscaping measure, the fencing would have an acceptable degree of visual impact, so that it would accord with the objectives of local plan policy D1.

### **Other matters raised in objections**

The request by Nigg Community Council for installation of “residents parking only” signs on Redmoss Road is not a material planning consideration and is a matter which is more appropriately considered separately by Roads officers. Similarly, the concern regarding alleged indiscriminate parking on the double yellow lines at the turning point on Redmoss Road, due to the existence of the secondary school is a matter which can be investigated separately as a parking enforcement matter by relevant Council officials.

### **Council Interest**

Although the Council has an interest in the development as owner of the site, as the proposal accords with the development plan and there is no substantial body of objection, there is no need to refer the application to the Scottish Government for scrutiny in advance of its determination.

## **RECOMMENDATION**

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**Approve conditionally**

## **REASON FOR RECOMMENDATION**

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Given the existing authorised use of the site, the National policy presumption in favour of development that contributes to sustainable development, as set out in Scottish Planning Policy (SPP), the sustainable travel objectives set out in Aberdeen City Local Transport Strategy 2016-2021 and Aberdeen Active Travel Action Plan 2017 (ATAP), the lack of objection from ACC Roads officers on roads safety grounds, and that the pedestrian access from Redmoss Road would improve connectivity with local communities, encourage use of alternative transport modes, it is appropriate to approve the amended pedestrian access / egress. A condition can be imposed in order to regulate the details of its working (e.g. hours of operation / use by the public) in order to accord with the sustainable travel objectives of Aberdeen Local Development Plan policy T3 (Sustainable and Active Travel).

The proposed new fencing is considered to be justified on security grounds. Given the remoteness of the site relative to sensitive visual receptors (e.g. main approach roads / heritage assets / housing), and subject to implementation of landscaping measures on site it would have an acceptable degree of visual impact, so that it would accord with the objectives of Aberdeen Local Development Plan policies D1 (Quality Placemaking by Design) and D2 (Landscape).

## **CONDITIONS**

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### 1. Public Access Strategy

That during all Cove Rangers FC competitive or friendly football matches played at the Balmoral Stadium, the footpath connection to Redmoss Road, as shown on drawing no. 11318-P(--)-022A shall be made available with continuous unobstructed access (i.e. the gate is kept open) for use by members of the public from at least 30 minutes prior to match kick-off times until at least 30 minutes following the end of matches, to be managed by Cove Rangers FC staff – in the interests of sustainable transportation, improved connectivity to and with local communities and enabling pedestrian accessibility from a wider catchment area, in accordance with the objectives of Scottish Planning Policy, policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan, the Aberdeen City Local Transport strategy 2016-2021 and the Aberdeen Active Travel Action Plan 2017.

### 2. Landscaping

Unless otherwise agreed in writing by the Planning Authority, the metal fencing hereby authorised (as shown in red on drawing no. 11318-P(--)-002 A) shall not remain on site beyond a period expiring on 31/12/19 unless a further scheme of landscaping for the site has been submitted to and approved in writing for the purpose by the planning authority. This scheme shall include indications of all existing trees and landscaped areas on the land, together with the proposed areas of tree / shrub / hedge planting along the verge / boundary with Redmoss Road, including details of numbers, densities, locations, species, sizes and stage of maturity at planting. Such approved landscaping scheme shall be implemented in full by 31/12/2019 - In the interests of the visual amenity of the adjacent green belt area / green space network area and protection of the setting of Redmoss Road.

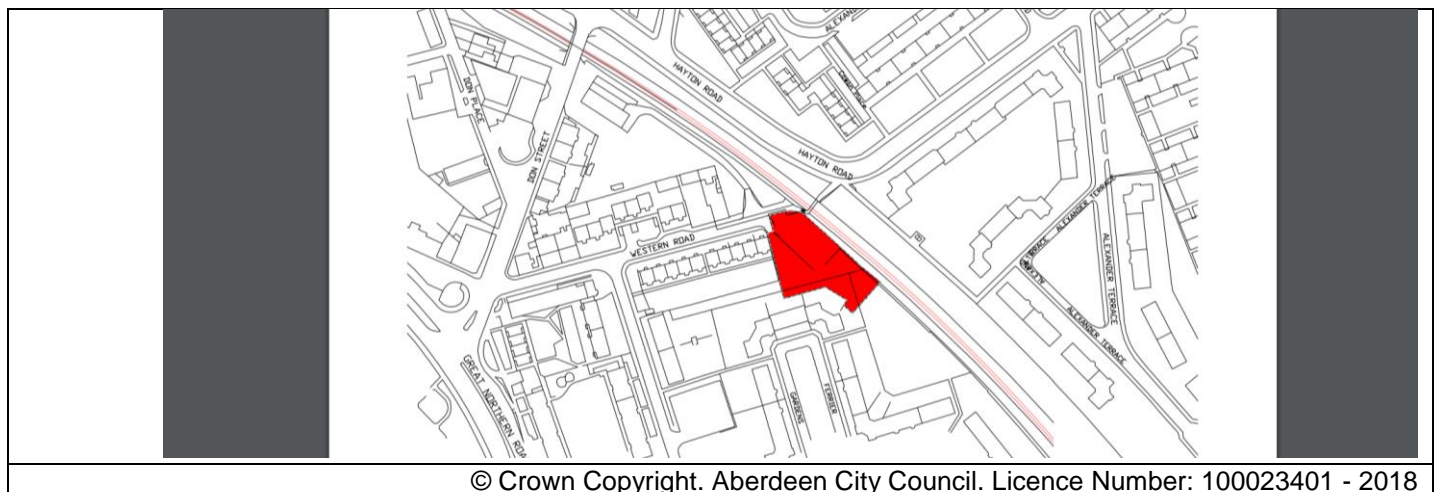


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 21 February 2019

<b>Site Address:</b>	1 Western Road, Woodside, ABERDEEN,
<b>Application Description:</b>	Demolition of existing house. Erection of 22 flats ( 2 bedroom) & associated car parking. Alteration to existing pedestrian railway underpass.
<b>Application Ref:</b>	081415
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	26 June 2008
<b>Applicant:</b>	Caversham Management Ltd
<b>Ward:</b>	Hilton/Woodside/Stockethill
<b>Community Council:</b>	Woodside
<b>Case Officer:</b>	Robert Forbes



### RECOMMENDATION

**Refuse**

### APPLICATION BACKGROUND

#### **Site Description**

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

use of adjacent residential property and appears to be largely unused. The open space within the site is maintained as grassland and accessed via Ferrier Gardens / Ferrier Crescent.

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

### **Relevant Planning History / Update**

The application was initially considered by the Planning Committee on the 28th August 2008 when it was recommended for refusal on the grounds of overdevelopment, loss of open space, adverse impact on residential amenity and insufficient information (e.g. regarding drainage). It was remitted to the Planning (Visiting) Sub-Committee to visit the site and consider the application. The site visit took place on the 4th September 2008 and it was subsequently considered at the Planning Committee meeting on 18th September 2008. The recommendation was again to refuse planning permission. However, the Committee resolved to express a willingness to approve subject to a legal agreement to ensure that the flats would represent affordable housing and to apply appropriate planning conditions to be determined by the Head of Planning and Infrastructure. There was no specific instruction in relation to the need to secure upgrade of the approach to the pedestrian underpass, notwithstanding that such works were shown on the plans. The application was also referred to the Scottish Ministers in 2008 due to the Council's interests as landowner and due to receipt of objection by SEPA. The former declined to intervene in the application processing.

This application was more recently considered at the PDMC meeting on 16/8/18 when it was resolved to defer consideration of the application to allow additional time for negotiation on the legal agreement.

A section 75 agreement has been drafted relating to the matter of affordable housing, restricting the development of the site by a RSL. Notwithstanding recent correspondence between the applicant's agent / legal advisor and Council officers, the legal process relating to this planning obligation has never been concluded, in part due to the fact that the applicant does not control the whole of the site. A separate legal agreement with the Council, as landowner of part of the application site remains to be concluded and has not been progressed as no developer has been identified and the Council's estates service does not wish to sell / lease the land to the applicant. That agreement relates to the transfer of Council owned land in the southern section of the site and. The applicant's agent has also recently been in correspondence with Network Rail in relation to the purchase of land required to implement upgrade works to the southern approach to the pedestrian underpass linking Western Road to Hayton Road (as originally intimated in 2008). However this process has not been concluded and there remains a degree of uncertainty regarding the ownership of such land.

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## **APPLICATION DESCRIPTION**

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## Description of Proposal

The application proposes the erection of twenty-two flats with associated parking and incidental landscaping. Minor changes to the site layout have been undertaken since 2008 to incorporate revised cycle parking / bin storage, but no reduction in development footprint / scale. Three linked blocks are proposed ranging from 3 to 4 storeys in height and positioned parallel to the railway. All flats would have two bedrooms, a bathroom and living room/ kitchen area. All of the bedrooms would face north-east onto the railway line, with the living areas facing south-west over the car park/ cycle / adjacent gardens / flats.

The building would have a maximum overall height of approximately 12m (comprising the four storey element), with a three storey central build with a maximum height of 10m. The building would be 42m in length and 13m in depth and would include a mono-pitched roof that would slope from west to east. No details of materials have been provided.

17 car parking spaces would be located in the western section of the site along with provision for motorcycles / cycles. Bin storage facilities would be located in the northern section of the site adjacent to the site access / steps to the underpass. Various incidental areas of landscaping would be located throughout the site.

Upgrade to the southern approach to the adjacent pedestrian underpass which allows access under the railway line between Tillydrone and Woodside is also proposed as part of the application. A ramped area and new steps (partly on the site of the former house located within the northern section of the site) would be provided. The proposal does not make provision for lighting or increased CCTV coverage. Part of the land required to construct this work lies outwith the application site, adjacent to the railway line boundary.

## Supporting Documents

All drawings and 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=ZZZY9VBZSK734>

Ground investigation Report; Drainage information; Underpass Access Work Statement

## Reason for Referral to Committee

The application has been referred back to the Planning Development Management Committee as instructed at their meeting on 16 August 2018.

## CONSULTATIONS

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**ACC Education Service** – Advise that, although it is forecast that the school roll for St Machar Academy will be over capacity post 2023, there is no requirement for developer contributions relating to this proposal. This is because the need to upgrade the Academy capacity has already been identified and addressed by other recent planning approvals.

**ACC Roads (DM)** - Advise that the pedestrian access and vehicular access to the development site are acceptable, and would be subject to a further proposal for Roads Construction Consent. Request that evidence be submitted that the entire development would be owned/operated by a Registered Social Landlord (RSL) which would allow the reduced car parking standard of 0.8 spaces per unit to be applied. This has not been submitted. As such they have requested that, should planning permission be approved, it would relate to an RSL only, with any other type of

housing requiring alternative parking provision. On the basis of the above they have no objection to the proposed flats and do not require delivery of any related off site road infrastructure works.

Advise that the proposed works to the pedestrian underpass approach do not comply with certain minimum design standards, but have no objection to this work in principle. It should be noted that, although the underpass approach works are proposed by the applicant, these works are not considered necessary to make the proposed residential development acceptable.

**ACC Environmental Health** – No observations

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

**Developer Obligations Team** – Advised in 2015 that contributions are required towards secondary education, community and recreation and the core path network. Revised comments were provided in 2018. A total of £38,812 is now sought (£18,014 for healthcare, £14,269 for community and recreation and £6,529 for core paths), which could be provided via a S75 legal agreement.

**Police Scotland** – Advise that the site lies within a medium crime risk area with recent records of drug offences, street thefts and assaults. All footpaths should be straight, wide and well-lit to promote feelings of safety and security for pedestrians as well as discouraging anti-social behaviour. These footpaths should also be free of potential hiding places for miscreants. Also provide detailed advice regarding the design of the housing development.

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

Note that the proposed underpass approach works are not located wholly within the application site and affect Network Rail's operational land. Advise that the technical detail submitted for the proposed new / altered retaining structures is not sufficient to demonstrate that there will be no adverse implications for rail infrastructure.

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

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

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

**Community Council** – No active community council

## **REPRESENTATIONS**

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



## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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

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

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

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

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

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

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

#### Policy T2: Managing the Transport Impact of Development

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

#### Policy T3: Sustainable and Active Travel

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

#### Policy D1: Quality Placemaking by Design

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

#### Policy D2: Landscape

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

#### Policy H1: Residential Areas

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

#### Policy H5: Affordable Housing

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

Policy NE1: Green Space Network

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

Policy NE6: Flooding, Drainage and Water Quality

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

Policy R6: Waste Management Requirements for New Development

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

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

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

**Supplementary Guidance and Technical Advice Notes**

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

**Other Material Considerations**

The recent appeal decision for flats at Rubislaw Quarry is of some relevance in regard to consideration of the impact of residential development on existing amenity.

**EVALUATION**

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

**Principle of Development**

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

Whilst the main part of the site is specifically allocated for housing development within the LDP and the number of residential units is the same as that indicated in the opportunity site zoning, the proposed flatted block would take up a significant amount of the site, with external area of the site being dominated by parking. The proposal would also result in the loss of an area of open space and garden ground in the southern section of the site (outwith the OP 68 site designation). Taking into account the character of the surrounding area and in particular, the relationship and ratio of buildings to open space/garden ground, it can therefore reasonably be considered that the proposal would constitute over development of the site. It would also result in the loss of a valued area of open space and garden ground to the south of the site, which, although within the application site, falls outwith the OP68 site boundary. The proposal, whilst for a site allocated for up to 22 houses in the LDP is therefore contrary to Policy H1 (Residential Areas) of the LDP.

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

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

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

The submitted site plan shows various minor areas of landscaping, planting and shrubbery within the application site which are of limited extent and functional value. The landscape design is therefore considered to be unacceptable in terms of policy D2. The landscaping would be provided in various pockets throughout the site and would provide very little in terms of amenity for occupants. In order to provide an acceptable standard of design and adequate amenity for occupants, a significantly higher proportion of landscaping would be required, particularly given the loss of existing open space resulting from the development. This could essentially be realised by reducing the number of flats / footprint of the development and car parking spaces on the site, and avoiding encroachment onto the area of open space and garden ground in the southern section of the site.

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

### **Residential Amenity**

It is important to ensure that an appropriate level of amenity is provided within each development and that the level of residential amenity enjoyed by existing residents is not compromised by such development. In addition privacy is something which should be incorporated into proposals. The proposed development does raise concern on a number of points. The proposal does not have a

public face to the street, given that it would be located off the end of Western Road and would overlook both a car park and a railway line. It would have the appearance of being shoe-horned into a rather constrained site. Due to the siting and orientation of the building, with bedrooms overlooking the railway and living areas overlooking the car park, the level of amenity enjoyed by prospective residents would be limited. In addition, not all residents would have access to sitting out areas, and the areas of landscaping provided are not particularly useable / extensive. The main external space would be dominated by hard surfacing and car parking. The area along the western boundary would provide a slither of open space, with other area of landscaping incorporating shrubbery and tree planting.

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

### **Roads and Access**

The proposed access arrangements and parking provision has been arrived at following consultation with colleagues in the Roads Development Management Team, who have advised of their general satisfaction with the scheme, subject to the insertion of a number of conditions, and subject to a Legal Agreement restricting the occupancy of the premises to a Registered Social Landlord (RSL). The proposal would include 18 car parking spaces and three motorcycle parking spaces for the proposed 22 flats. This would accord with current Council standards that require 0.8 spaces per flatted property for RSL housing, The proposal would include 22 cycle parking spaces and 2 short stay spaces, which meets the standards required within the Transport and Accessibility Supplementary Guidance. Given the proximity of nearby bus routes and availability of suitable pedestrian and cycle access to the site, the proposal accords with the general principles of either Policy T2 (Managing the Transport Impact of Development) and T3 of the LDP.

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

### **Security Matters**

No fundamental security concerns have been raised by Police Scotland regarding the design of the flatted development. As regards the proposed works to the underpass approach, it is noted that these are not required by ACC roads officers in order to provide an acceptable level of access to the proposed flatted development, as this is available via Western Road. Therefore and notwithstanding the offer of the applicant to undertake these works, it would not be legitimate to require the delivery of such development by means of condition / legal obligation. Imposition of such a condition would be open to challenge at appeal on the grounds of reasonableness and not being legitimately required.

In any event and taking account of the Police Scotland comments, it is considered that the design of the proposed works would result in the creation of a potential security risk due to the creation of an unlit, relatively narrow (1.5m wide) path lacking in natural surveillance and CCTV coverage. Furthermore there remains a degree of uncertainty over the ability of the applicant or any future developer, to delivery the works associated with the underpass approach as part of the land required is not controlled by the Council or the applicant.

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

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

In terms of affordable housing it is noted that all 22 units would potentially be affordable. The provision of affordable units on site by an RSL would accord with the general principles of Policy H5 (Affordable Housing) of the ALDP. As the site lies within an area dominated by social housing provision, the provision of other forms of tenure, including private housing, would also be acceptable in principle given the wider objective of encouraging mixed communities.

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

The application does not include any details to demonstrate how Low and Zero Carbon Generating Technologies / Water Efficiency will be incorporated into the flatted properties, or alternatively how the buildings could achieve deemed compliance with the Council's published 'Low and Zero Carbon Buildings' Supplementary Guidance. It would be necessary to attach an appropriate condition to secure such information should planning permission be approved and to ensure compliance with Policy R7 (Low and Zero Carbon Buildings and Water Efficiency) of the LDP and associated Supplementary Guidance.

### **Waste Management**

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

### **Flooding / Drainage**

Preliminary drainage calculations were submitted with the application in 2008 but this was found by SEPA to contain inadequate information regarding surface water impact and does not appear to take account of the impact of the proposed car park within the site. Notwithstanding the historic

objection from SEPA and that no adequate drainage impact assessment (DIA) has been provided as required by policy NE6, the application was forwarded to Scottish Ministers as required at that time, and they declined to intervene in the application processing. As the Council's Flooding Team have no observations on the proposal and it is considered likely that SUDS measures can be incorporated within the development, it is considered unreasonable to refuse the application on the basis of adverse impact on drainage, notwithstanding the existing potential surface water flood risk outwith the site associated with the railway underpass.

Connections would be required into local networks for foul drainage and separate permissions would be required (such as from Scottish Water).

### **Contaminated Land**

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

### **SPP Compliance**

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

### **Conclusion**

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

### **Determination Delay**

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

## **RECOMMENDATION**

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**Refuse**

**REASON FOR RECOMMENDATION**

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1. The proposal fails to accord with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan, in that the proposal would result in adverse impact on existing residential amenity (by reason of loss of existing garden ground / open space and overlooking of existing residential property) and constitutes overdevelopment of the site by reason of the excessive scale (footprint) of the proposed development, the resultant loss of public open space and communal garden ground in the southern section of the site in contravention of policy NE3 (Urban Green Space);

2. The proposal fails to accord with Policy D1 (Quality Placemaking by Design) and D2 (Landscape) of the Aberdeen Local Development Plan, as it would not afford an acceptable level of amenity to occupiers of the premises, would provide insufficient outdoor amenity space / soft landscaping and would see an area to the front of the building dominated by hard surfacing / car parking.

## **CONDITIONS**

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In the event that the PDMC do not accept the above recommendation for refusal, members may wish to have regard to the imposition of potential conditions relating to the matters of implementation of SUDS, landscaping / amenity space, boundary treatment, car parking, cycle storage, contamination, external materials and micro-renewable energy measures / water saving technology.

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